

SOP No.:	
SOP Name:	Road Construction – Existing Lots of Record
Effective Date:	July 19, 2022
Revision Date:	
Related SOP, Management Directive, Council Policy, Forms	Management Directive: Road Construction – Existing Lots of Record

Customer Services Division, Planning Division, Engineering and Corporate Assets Department, Public Works Department, Parks and Recreation Division, City Solicitor and Realty Services Division Standard Operating Procedure

General Introduction and Scope of Application

The above Divisions, Departments and Positions receive requests from the public to construct a road (sometimes described as a “driveway”) to vacant property in order to facilitate development of that property. This SOP will guide the responses and actions of these various entities in the response to these inquiries.

Authority

City of Kawartha Lakes Zoning By-laws (16; each pertaining to a former municipality)
Fees and Charges By-law

Procedure Amendments

This procedure will be periodically reviewed and updated; updates will be carried out by the Director of Development Services in consultation with the Director of Engineering and Corporate Assets. Any operational situations within the above scope that cannot be adequately addressed using this SOP shall be immediately brought to the attention of the City Solicitor.

Administration

This process is to explain the procedures for responding to a proponent that wishes to construct a road (which the proponent may describe as a “driveway”) on City-owned road allowance.

Operating Procedure Steps

1. Request from the public received by City Staff and referred to the Planning Division for response. Contact details for written response to be requested.
2. Planning Division will request written details of nature of request (For what purpose is the road being constructed? For what associated use of the property?) and the specific property that road access is being requested for.
 - a. The Planning Division will confirm the frontage requirements per the zoning by-law (length of frontage to be improved and assumption status).
 - b. Reference will be made to the Roads Database, to determine ownership, construction standard and assumption status of the roads providing connectivity to the property in question. Public Works will be asked to confirm the findings pertaining to assumption and Realty Services will be asked to confirm the findings pertaining to ownership.
3. The member of the public will be required to have the entire frontage built as required by the zoning by-law (via the City's capital process), and will not be encouraged to submit a zoning by-law amendment or minor variance application to reduce this frontage unless the road dead ends at this property and does not provide future access to adjacent properties. If the road dead ends at this property, reduced frontage to the closer edge of the lot line plus turning radius will be permitted (i.e. reduction to 20 feet, for example) can be approved by Planning as part of the Planning application process, which must finalize in advance of commencement of construction. This will be confirmed by letter from Planning to the proponent.
4. The Manager of Planning and the Director of Development Services will meet with the City Solicitor and will draft a response in consultation with them. If required in order to make a decision following the meeting with the City Solicitor, the Director of Development Services will put the request on the next meeting of the Development Review Team ("DRT"), consisting of Planning, Engineering and Public Works development staff. This Team meets monthly. These meetings, being staff meetings, are not open to the public.
5. If the zoning for the property is on "hold" for servicing or otherwise within an urban settlement area without the requisite water and sewer infrastructure,¹ Planning will so advise the proponent following the meeting. In this case, Planning will advise that the hold may be lifted by the municipality as part of a comprehensive zoning by-

¹ As of 2022, there is no capacity for additional servicing within the urban settlement areas of Lindsay, Fenelon Falls and Bobcaygeon. A Municipal Comprehensive Review is underway, which will plan expansion of water and sewer to accommodate growth to 2051. Infill lots within these areas may be allocated servicing via this Review.

law amendment following a comprehensive servicing review and resultant construction so as to achieve additional water and sewer servicing capacity.

- i. Planning will not consider lifting servicing holds outside the above process.
- ii. The matter is at an end, and no road construction is permissible. Planning will inform the proponent of this fact.

6. If the property is in the Oak Ridges Moraine Conservation area, Planning will advise that no road construction is permissible, in accordance with the zoning by-law and Provincial Plan. The matter is at an end.

7. Planning will ascertain whether the zoning by-law requires frontage on an improved - for vehicular travel (car & truck) – public road. If this requirement applies, Planning will advise the member of the public in writing of the zoning prohibition against use of the property unless the necessary frontage is constructed.

- a. Planning will also ascertain, in consultation with the Area Road Supervisor in Public Works, whether or not the road (as proposed to be constructed) must be maintained by the City or Province. If this requirement applies, Planning will advise the member of the public in writing of this requirement, following the meeting.
- b. Planning will advise that the proponent will either need to be agreeable to having the road constructed by the City entirely at the proponent's own cost, or will need its neighbours to cost share through the local improvement process set out in the regulations to the Municipal Act, which see the City bearing the initial cost of the construction and carrying out the construction, with the benefitting properties each paying their proportionate share through lien on the tax roll to their properties.
- c. Planning will ascertain whether or not a site plan is required in conjunction with the request. If so, Planning's written response to the inquiry will advise that a site plan application to be made.

8. The stop up and close of a road allowance will not be suggested unless the road allowance provides no connectivity, as will be determined at the meeting. If Public Works is of the opinion that the road could be stopped up and closed and the road allowance sold to the proponent, Planning will direct the proponent to make an application to Realty Services, for the acquisition of the property. If this is the case, the proponent will run through the stop up close and sale process and the matter is at an end unless the Land Management Team denies the application, or Council decides not to sell the land as recommended by Staff. In either case, Realty Services will refer the

proponent back to the next meeting of DRT for consideration, at which time Planning will assume carriage of the file.

9. If Planning is of the opinion that the road construction is a logical expansion of the road network given the above considerations, Planning will notify the applicant of its recommendation, and copy Engineering and the City Solicitor. Planning will advise the member of the public that Council approval to commence the process by way of Environmental Assessment is required, if there will be no associated rezoning process. Otherwise, Planning will advise the member of the public that a rezoning application must be made.

10. Prioritization between road construction requests will be given to those projects that result in the lowest length of road improved per benefitting parcel.

11. If the Environmental Assessment process is required, and once a project has reached the top of the list as per competing road construction requests, Engineering will place the project in its Capital Projects list for prioritization.

12. Once the project has reached the top of that list such that an Environmental Assessment could be conducted in the next 2 calendar years, the proponent must pay for the City (Engineering & Corporate Assets Department) to retain a consultant to conduct the Environmental Assessment, on the City's behalf and at the cost of the proponent. Engineering will advise the proponent that the matter will go to Council by way of Staff Report, for Council's consideration and approval/ denial. The City Solicitor will provide a road construction financing agreement to the proponent for signature and return, which will go to Council for approval to execute. The Engineering and Corporate Assets Department, with the assistance of the City Solicitor if required, will author a report to Council, authorizing the execution of the agreement.

13. Once all parties have executed the road construction financing agreement, Engineering will commence an Environmental Assessment at the cost of the proponent. The City (Engineering) will tender the contract with the consultant following receipt of funding by the proponent. Engineering will dedicate a member of staff to provide sufficient assistance to the consultant to allow for the Environmental Assessment to be conducted. It may take several years for the Environmental Assessment to be tendered, based on competing priorities.

14. Engineering will provide the consultant with a copy of the First Nations Consultation Policy at the outset of the Environmental Assessment process, which the consultant will be required to follow. If any First Nation has requested an archaeological assessment, this will be completed and First Nation concerns addressed to the satisfaction of the City, all at the cost of the proponent.

15. Construction of the road to the urban or rural (location dependent) full municipal standard as set out on the Engineering webpage will be required by the Engineering & Corporate Assets Department, subject to the discretion of the Director of Engineering & Corporate Assets.
16. The Engineering & Corporate Assets Department will consider insufficient road construction standards and assumption standards to the next assumed and constructed-to-standard road, as part of the potential scope of road construction, to provide appropriate connectivity.
17. Once executed by the proponent, and the \$1,500 Legal Services admin fee is submitted to the Finance Department at the City, the Engineering & Corporate Assets Department in consultation with the City Solicitor will author the report requesting execution by the Mayor and the Clerk of the road construction financing agreement. The same report will request eventual assumption of the road, per future assumption by-law, once the road is built to Engineering Specifications and the Engineering & Corporate Assets Department has obtained as built drawings, materials sampling reports and completed its final site inspection and confirmed same, if assumption is required for zoning compliance. The Public Works Department, the Engineering and Corporate Assets Department and the Planning Division will be consultants on the report.
18. Once instruction has been received to allow execution of the road construction financing agreement and, if necessary for zoning compliance, to pass an assumption by-law following construction of the road to the Engineering & Corporate Asset Department's satisfaction, the Engineering & Corporate Assets Department will have the Mayor and Clerk execute the agreement and will return a copy of the agreement to the proponent, with direction that the proponent work directly with the Engineering & Corporate Assets Department for payment prior to commencement of construction.
19. The Engineering & Corporate Assets Department will place the project in its capital works program. When the EA is placed in the Capital Budget for the next year in accordance with the 10-year Capital Works Program, the Engineering & Corporate Assets Department will start collecting the Engineering and Arborist fees:
20. Engineering will advise the proponent to provide to Finance the necessary fees:
 - a. the engineering fees related to review of engineering drawings (at 3.7% of the cost of the works)
 - b. fees and securities for construction (100% of the cost of the works)
 - c. fees and securities related to the Environmental Assessment (125% of the quote provided by the consultant)
 - d. \$1,000 for arborist administration of a tree permit per the Tree By-law

21. The Engineering & Corporate Assets Department will have an Ontario Land Surveyor stake the property boundaries and confirm when same is complete.
22. Once Engineering has received the legal survey and layout from the City's Ontario Land Surveyor and Construction Engineer, Engineering will ask the City's arborist to attend the site and confirm that all trees meeting the definition of mature tree as per the agreement that are to be removed are flagged (Engineering & Corporate Assets Department to use a City Arborist from Parks and Recreation Division of Community Services, or agent as contracted), the arborist will confirm the number of mature trees to be removed and collect \$1,700.00 per mature tree to be removed.
23. Once the City Arborist confirms to Engineering the tree compensation amount, the City Arborist will write to the proponent advising of the tree compensation amount and directing a payment via electronic funds transfer by Finance. The City Arborist will copy Finance on this correspondence, and direct Finance to place this in the Tree Canopy Reserve. Finance will advise the City Arborist and the Engineering & Corporate Assets Department when this is complete.
24. The Engineering and Corporate Assets Department will then notify the proponent in writing that the City will proceed with construction activities. The Engineering & Corporate Assets Department will require the completed materials and as built drawings be submitted to its satisfaction from its contractor before issuing a letter to the proponent advising that the warranty period has begun, and the City will assume the road upon Engineering drafting the assumption by-law and advancing same to Council.
25. The Engineering & Corporate Assets Department will then attend the site for a final inspection following completion of the work and, if not satisfied with the construction, will issue a deficiency letter and will follow up with the constructor to ensure that the deficiencies are remedied. If and when the Engineering & Corporate Assets Department is satisfied with the construction, it will diarize the expiration of the warranty period. Prior to the expiration of the warranty period, the Engineering & Corporate Assets Department will attend and confirm any deficiencies to be remedied. Once any deficiencies are remedied, the Engineering & Corporate Assets Department will instruct Finance to release the securities exceeding cost recovery.

Process Map

Inquiry in to any Department or Division directed to Director of Development Services and the Manager of Planning.

Does the property require a rezoning? Yes – go to Planning Application for Rezoning

If No:

Does the property require a Site Plan? Yes – go to Site Plan application process

If No:

Is the property in the Oak Ridges Moraine Conservation Plan Area?

If Yes: Request to construct road is denied

If No:

Is the property in the Urban Settlement Area of Lindsay, Bobcaygeon or Fenelon Falls?

If Yes – application denied; insufficient servicing

If No:

Is the property in Omemee?

If Yes – application denied; insufficient servicing

Is the property in a rural area or hamlet area?

If Yes – Then the property will be on private servicing.

Director of Development Services and the Manager of Planning in consultation with the City Solicitor will craft a response confirming that a minor variance to reduce the road frontage will be denied, a road will need to be built and assumed.

Before sending out the response, Planning will confirm its understanding of the road assumption standards of connecting roads with the Area Road Supervisor in Public Works.

Director of Development Services, the Manager of Planning and the City Solicitor will rank the potential road construction requests as against each other, based on efficiency of development (km of road improved per property wishing to develop).

The Manager of Planning will provide its ranking to the Manager of Infrastructure and Design, Engineering & Corporate Assets, who will then place the proposal in appropriate priority, and may report out to Council the results of the ranking, and estimated timing of any development.

If an Environmental Assessment for road construction is anticipated to proceed in the following 2 calendar years, the City Solicitor will provide a road construction financing agreement to the proponent for execution and return.

The proponent will sign the agreement and send \$1,500 for legal administration to Finance. Finance will notify City Solicitor and Manager, Technical Services, of the Engineering & Corporate Assets Department that payment has been made.

The Manager, Technical Services, of the Engineering & Corporate Assets Department will get instruction from Council for the City to sign and return the agreement. Manager, Technical Services, of the Engineering & Corporate Assets Department will file a fully executed copy with the Clerks Department. Clerks Department diarizes the expiry of the agreement. Finance holds a copy of the agreement, in reference to the securities it is holding.

The Manager, Technical Services, of the Engineering & Corporate Assets Department returns a fully executed agreement to the proponent, advising that the City will advise when construction is to begin, which may be several years away.

The Manager, Technical Services, of the Engineering & Corporate Assets Department will place the road construction in its Capital Program so that it will conduct an Environmental Assessment (EA) in a subsequent calendar year. The EA will be at the proponent's cost, and will be non-refundable, even in the event that EA recommends not building the road, and the City adopts the EA and decides to not construct the road. The Manager, Technical Services, of the Engineering & Corporate Assets Department collects 125% of the quote for the completion of the Environmental Assessment, for 100% fee recovery and 25% to pay for Engineering administration of the contract.

The Manager, Technical Services, of the Engineering & Corporate Assets Department tenders the work.

The EA is conducted. As part of the consideration, the EA considers the private servicing needs of the properties that will be able to develop if the road is constructed and assumed, and the impact of that servicing on the environment.

The Manager, Infrastructure Design, of the Engineering & Corporate Assets Department will cost the project and use this to calculate the Engineering fee of 3.7% of the cost of the works on City property and the securities of 100% of the costs of the works on City property, and will collect the fee and securities.

The Manager, Infrastructure Design, of the Engineering & Corporate Assets Department will tender the construction project, in accordance with timing relative to its competing priorities, and will receive and approve the construction drawings from the contractor.

The Manager, Infrastructure Design, of the Engineering & Corporate Assets Department has an Ontario Land Surveyor stake the property boundaries and boundaries of construction, and asks proponent to submit \$1,000 to Finance for a tree permit.

The Manager, Infrastructure Design, of the Engineering & Corporate Assets Department asks a City Arborist from Community Services to complete a tree management plan via enquiry to “treebylaw@kawarthalakes.ca”. Community Services may retain an arborist under contract.

The Manager, Infrastructure Design, of the Engineering & Corporate Assets Department is provided a copy of the tree management plan.

The Arborist confirms calculation for tree payment, and issues the tree permit per the Tree Preservation By-law.

The Arborist requests proponent make compensation payment by electronic funds transfer to the Corporation of the City of Kawartha Lakes, for placement into the tree preservation reserve.

The Finance Division advises the Arborist and the Manager, Infrastructure Design, of the Engineering & Corporate Assets Department once payment is made.

The Manager, Infrastructure Design, of the Engineering & Corporate Assets Department receives all Conservation Authority or provincial approvals prior to tendering construction.

The Manager, Infrastructure Design, of the Engineering & Corporate Assets Department tenders the construction contract for a following calendar year, as per competing priorities set out in the 10-year Capital Plan and annual Capital Budgets.

The Manager, Infrastructure Design, of the Engineering & Corporate Assets Department requests confirmation from contractor of as built engineering drawings, and materials testing. The Manager, Infrastructure Design, of the Engineering & Corporate Assets Department attends the site as it would any other construction on its own property, to confirm materials testing, as built, and location of the road per the boundary, and that the road is left in a clean and neat manner, with sodding and seeding completed.

The Manager, Infrastructure Design, of the Engineering & Corporate Assets Department works with the contractor to remedy any deficiencies.

The Manager, Infrastructure Design, of the Engineering & Corporate Assets Department diarizes the expiration of the warranty period and attends to confirm whether any deficiencies exist prior to the expiration of the warranty.

The Manager, Infrastructure Design, of the Engineering & Corporate Assets Department works with the contractor to remedy any deficiencies.

The Manager, Infrastructure Design, of the Engineering & Corporate Assets Department requests Finance remit remaining securities, once it has confirmed that any deficiencies are remedied and that the road can be assumed for maintenance by the municipality.

The Manager, Infrastructure Design, of the Engineering & Corporate Assets Department puts a by-law before Council to assume the road, if required per the zoning by-law. Engineering advises Public Works, so it can add the road to its maintenance schedule.

Revision History:

Revision	Date	Description of changes	Requested By
0.0	July 19, 2022	Initial Release	

Staff Sign-off:

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Date accepted by Public Works Department	
Date accepted by Engineering & Corporate Assets Department	
Date accepted by Community Services Department	
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