

## Council Report

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<b>Report Number:</b>	<b>ENG2024-011</b>
<b>Meeting Date:</b>	May 21, 2024
<b>Title:</b>	<b>Recommendation Per CP2017-010: Road Improvements and Potential Assumption – Improved Road Allowance fronting Coboconk Concession 10 PT Lots 16 and 17, Somerville</b>
<b>Description:</b>	Seeking instruction on improvements and maintenance of unassumed road allowance running westerly from the southern terminus of Woodcock Line.
<b>Author and Title:</b>	Michael Farquhar, Manager Technical Services Robyn Carlson, City Solicitor

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### Recommendations:

**That** Report, **Recommendation Per CP2017-010: Road Improvements and Potential Assumption – Improved Road Allowance fronting Coboconk Concession 10 PT Lots 16 and 17, Somerville**, be received;

**That** the Mayor and Clerk are authorized to execute the Road Improvements Construction and Maintenance Agreement, substantially in the form provided in Appendix A to this report;

**That**, following completion of the works set out in Appendix A to this report, to the City's satisfaction, that the Secretary-Treasurer of the Committee of Adjustment be authorized to provide the associated clearance certificate for the property to obtain a final and binding minor variance (D20-2021-029); and

**That**, following completion of the works set out in Appendix A to this report, that the City will not assume the resultant and improved roadway.

**Department Head:** \_\_\_\_\_

**Financial/Legal/HR/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

## **Background:**

On September 22, 2022, the Committee of Adjustment rendered a decision on minor variance application D20-2021-029, which granted relief under section 45(1) of the Planning Act, as amended, from section 18.8.1 of the Township of Somerville Zoning By-law 78-45 at vacant lands located at Part Lots 16 & 17, Concession 10, described as PIN 63120-0588 (LT), to facilitate construction of a new dwelling and agricultural building in support of a nursery business on a lot absent frontage on an improved public street. The Notice of Decision is attached as Appendix B.

A condition of that approval is that the property owner submit to the City a proposal to assume the unnamed road that fronts on the property. The condition is considered fulfilled upon receipt of proposal, which has occurred. However, the decision states that “fulfillment of all conditions is required for the Minor Variances to be considered final and binding.”

## **Rationale:**

Council Policy CP2017-010 (see Appendix C) sets out the considerations for Staff when making a recommendation to Council for the assumption of a private or unassumed road, and the considerations for Council in making a decision on the recommendation. In the current case, the road is an unassumed road allowance, owned by the City but not assumed by the City for maintenance purposes.

The existing roadway is a 3 metre wide sand and gravel road with insufficient overhead clearance for emergency vehicles, insufficient travelled roadway width for emergency vehicles (4 metres is required), a lack of turnaround, and no shoulders. However, ditches are present.

The portion of the road allowance in question is not regulated by a Conservation Authority, it does not cross a natural heritage feature as identified in the City’s Official Plan 2012, and is outside the Oak Ridges Moraine Conservation Area.

Reviewing the criteria in CP2017-010, it is not recommended that the road be assumed by the municipality. The road does not serve 5 or more parcels; it serves 1 parcel (the property in question). The road does not support a City-maintained boat launch, beach or other facility or attraction promoted by the City for public use and tourism. The assumption of the road would over-extend the existing assumed road maintenance programs, operations and resources, given the much lower than average density of the road in question as compared to the average density: The average density of the assumed road network is 7 properties for 500 m of 2 lane km, which equates to 71.43 km per property or expressed as  $1/71.43 = 0.014$ . The density for the 450 m of road in question obtains a density score of  $1/170 = 0.005$ . The road is not being proposed to be constructed to the standard necessary for assumption, making it economically viable

for the lot owner to obtain access without impacting the service levels of the City. The road itself once improved will allow for the safe movement of emergency and other vehicles to and from the property.

Policy CP2017-010 also sets out a standard for road construction necessary for assumption of existing and unassumed or private roadways. Engineering staff have attended the property and determined the scope of work required to provide vehicular access to the property, including emergency vehicle access. This applies to the 170 m stretch of unassumed roadway running westerly from the intersection with the southern terminus of Woodcock Line to the proposed driveway access. The road allowance becomes impassable westerly from the proposed entrance. As the road allowance is not being recommended for assumption, the proposed road allowance standards are amended from the rural standard required for assumption as follows: 1) The turnaround may be located on private property; 2) minimum lane width is reduced; 3) shoulders are not being required; 4) roadside clearance is not being required.

The property owner will be entitled to a clearance certificate once they have entered into and completed the works subject to an agreement with the City for construction of the works at the property owners' cost, including provision of insurance and financial securities. The property owner will be responsible for construction of the improvements, as well as obtaining any necessary engineering drawings, as-built drawings and necessary insurance. See proposed terms within the DRAFT Road Improvements Construction & Maintenance Agreement in Appendix A.

The owner would like to build a residence and tree farm business on the property, and thus will require year round, including winter, maintenance. Since the road will retain its unassumed status following the upgrades being constructed, the agreement provides that routine maintenance may be provided as needed and at the sole risk of the property owner, without the need for a road occupancy permit. However, any repair work, such as replacement of driveway culvert, addition of gravel to the roadway, brushing (tree trimming/ removal) will require a road occupancy permit obtained by the owner from the City (specifically, the Public Works Department). The roadway will be signed "unassumed; use at own risk", which signage will be installed at the cost of the owner.

**Other Alternatives Considered:**

None.

## **Alignment to Strategic Priorities**

The recommendations in this report align with the strategic priority of a vibrant and growing economy, by supporting the agricultural sector to develop in the rural areas of the City, and the strategic priority of good government, in not extending maintenance obligations to low volume roads.

## **Financial, Operation and Servicing Impacts:**

As the road will not be assumed by the City, the City will not extend capital or operating funds to repair and maintain the road. The City will not amend its garbage collection routes to accommodate this residence and business, when built and operational. The property will be on private water and septic.

## **Consultations:**

Manager, Technical Services, Engineering and Corporate Assets Department

Director of Development Services

Director of Public Works

Secretary-Treasurer, Committee of Adjustment

## **Attachments:**

Appendix A – Road Improvements Construction & Maintenance Agreement



Adobe Acrobat  
Document

Appendix B – Notice of Decision D20-2021-029



D20-2021-029 Notice  
of Decision - Harjula.p

Appendix C – Council Policy CP2017-010



CP2017-010  
Assumption of Private

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**Department Head:** Juan Rojas

**Department File:** D20-2021-029 (Planning)