



Committee of the Whole Report

Report Number: RD2024-004
Meeting Date: April 9, 2024
Title: Access to PLAN 105 PT BLK R RP 57R2151 - PART 1 - Stata
Description: Supplemental information for Council related to the deputation from K. Stata requesting an access to the lot described above.
Author and Title: Chris Porter, Manager, Road Operations East

Recommendation(s):

That Report RD2024-004, **Access to PLAN 105 PT BLK R RP 57R2151 - PART 1 Stata**, 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 January 30, 2023, Council adopted the following resolution:

CW2024-004

CR2024-013

Moved By Councillor Warren

Seconded By Councillor Ashmore

That the deputation of Keith Stata, **regarding an Entrance to Severed Property Off of Highway 121, Kinmount**, be received; and

That the entrance permit issue be referred to Staff for review and report back by the end of Q2, 2024.

Carried

This report addresses that direction.

In November 2021, an entrance permit application for the subject property was received on behalf of a potential buyer of the property with authorization from the Owner. Once received by the Public Works Roads Division, Staff commenced the typical entrance review process. During the review process, several items stood out to Staff as potential concerns. The concerns included a lack of adequate sightline, the grade difference between the road and property, it being an undesirable access location and the requirement to remove a section of steel beam guide rail, if approved, at the requested location. On November 16th, 2021 the application was formally denied based on there being no safe, feasible access locations for the subject property from the municipal right of way. Furthermore, it was suggested that the Applicant may need to review alternative access options from adjacent private properties, in other words, investigate obtaining an access easement. This is further described in the Other Alternatives Considered section as "Alternative Access One".

After the denial was sent, a subsequent entrance review application was submitted later in November 2021 by the Owner. Through this application, the Owner brought attention to a severance that was granted in 1977 and provided extensive documentation related to the same; to this point Staff had not been made aware of this in alignment with section 3.01 of By-law 2017-151. The Owner asserted that the entrance was approved by the MTO at the time of the severance and did provide a copy of an Entrance Permit

issued by the MTO dated May 27, 1976 however a subsequent letter dated June 23, 1976 noted that the existing entrance would have had to be removed upon completion of the new one. No other Entrance Permit documentation from the MTO was received by Staff.

After an extensive review of the additional information with the Planning, Realty Services and Legal Divisions, Public Works Staff provided a response to the Owner on January 17th, 2022. From an access perspective, the updated response recommended an alternative access location that had been noted as 'option B' on a drawing provided by the Owner to Staff via email on November 25, 2021. This location would utilize the existing access for the retained lot (also owned by the applicant) to connect to the severed lot. This option came with the condition that the access design would need to be stamped by a licenced Professional Engineer to ensure the site conditions were adequately addressed. This option is very similar to Alternative Access Two but without changes to property classifications or lot lines which would require a small section of the guiderail on the existing entrance to be removed. A sketch of this alternative is included as Appendix D to this report.

Following this second response, another internal meeting to discuss the matter further was held on March 1st, 2022 due to continued dissatisfaction from the Owner regarding the responses to date. At this meeting, another alternative was developed for the Owner to consider among the others. This alternative is further described as "Alternative Access Two" in the Other Alternatives Considered section of this report. Staff met with the Owner in person to discuss the newly developed alternative on March 10th, 2022 and communication on the matter ceased shortly thereafter.

Rationale:

City Staff have the responsibility of ensuring the safety of the public within it's transportation network. This includes a thorough review of new access applications to ensure that safety will not be compromised by approving them. In this particular case, several alternatives were provided in response to the initially proposed location to aid in reducing the below concerns;

1. Inadequate sight line. Section 4.02 of By-law 2017-151 states:

In general, new entrances will not be permitted:

Where the required sight distance for the proposed Access identified within the Transportation Association of Canada (TAC) guidelines are not achievable. Consideration must be given to the type of entrance and geometry of the road (vertical and horizontal curvature, speed, relative location to entrances, structures, etc). Where design information is limited, distances shall conform to stopping requirements contained within Table 1.2.5.7 of the TAC manual (Decision Sight Distance).

Table 1.2.5.7 of the TAC manual is included as Appendix A to this Report. In addition, photographs North and South of the proposed access were taken at the distances noted for conditions A and C in the table.

2. Grade difference between the road and property. Within By-law 2017-151, access standards are provided, one of which being access grade. Section 5.02 requires that:

Entrance Grade – *The finished surface of the entrance must drop away from the edge of the driving surface to the end of the shoulder rounding at a rate equal to the slope of the shoulder. For a distance of 5.0 metres beyond the shoulder rounding, the slope of the entrance is not to exceed 3%.*

Meeting this requirement would be difficult for the subject lot and would require substantial earth work. The Owner recognized this as noted in their letter to the Land Division Committee dated June 7, 1977.

The shoulder grade is stipulated to ensure there are no sudden change in conditions on the roadway should users need to pull off on to the shoulder and to allow for efficient maintenance. The grade beyond the shoulder is stipulated to ensure roadway drainage does not flow on to private property and vice versa. During the shoulder seasons before and after winter, it's crucial that excess water does not end up on the roadway as it has the potential to freeze which creates a significant hazard for road users.

3. Undesirable Access Location:
The section of roadway where the entrance has been requested currently has more accesses than would be considered desirable based on current TAC guidelines. The subject property's frontage along the roadway is also within a horizontal curve.

Section 8.3 of TAC - Geometric Design Guide for Canadian Roads (June 2017)
notes:

New private accesses should not be allowed where one presently exists in a 400 m section. Access via the local road should be encouraged for new developments. Joint use of an existing access should also be considered.

Section 8.4 of TAC - Geometric Design Guide for Canadian Roads (June 2017)
notes:

Accesses on horizontal curves are undesirable and should be avoided whenever possible. Superelevation on a curve has an adverse effect on turning vehicles. Accesses should be placed away from the curve and at a desirable distance of 150 m from the end of the curve.

4. Removal of Steel Beam Guide Rail:

Finally, the location proposed by the Owner would require the removal of a section of steel beam guide rail. Removal of a safety device could compromise overall roadway safety. Staff reviewed collision history within this area and found that 5 collisions have occurred in the vicinity of the proposed location in the past 36 months. Given the number of collisions, Staff recommend that there be no alterations to the guiderail without a Licensed Professional Engineer stamping the associated access design.

In recognition of the hazard the guide rail is protecting and building on point 3 above, this would generally fit the criteria of a mutual access as further described in section 4.6.17 of the MTO's Highway Corridor Management Manual (April 2022). While this manual was not reviewed during this specific entrance review as it was published after correspondence had ended, Staff have included this reference as additional information for Council.

Other Alternatives Considered:

Two other access alternatives were taken into consideration and provided to the Applicant that would be acceptable for further review. The third alternative was the location initially submitted by the Applicant/Owner but denied by Staff.

Alternative Access One: Staff suggested the Owner could look into the creation of an access easement over the retained lot for the severed lot to gain access. This alternative would have minimal, if any, impact on current traffic patterns and is also the

most economical as minimal work would be required. A consent application would be required through the Planning Division for this to be formally approved. A sketch of this alternative is included as Appendix E to this report.

Alternative Access Two: Staff also recommended utilizing the existing access for the retained lot and branching a new access for the severed lot off of it just South of the Victoria County Rail Trail crossing. This alternative would involve reclassification of the Victoria County Rail Trail allowance fronting the severed and retained lots to become road allowance as both have no/minimal road frontage currently. Additionally, this alternative also required a small, ~176m², parcel of land to be given to the City by the Applicant so that the start of both accesses would be from a City right-of-way. A sketch of this alternative is included as Appendix F to this report.

Alternative Access Three: This alternative was the initial request made by the Applicant and Owner that was denied as noted in the background section of this report. This alternative involved removal of a section of the steel beam guide rail that is currently along County Road 121 in order to create a new access to the subject property. For the reasons mentioned in the Rationale section of this report, Staff denied this location and recommended others that would be reviewed further. A sketch of this alternative is included as Appendix G to this report.

Alignment to Strategic Priorities

This report aligns with the below strategic priorities of the City:

1. Good Government

This report responds to Council with information regarding past correspondence and considerations for the subject property access.

Financial/Operation Impacts:

All costs associated with the construction of the entrance, if approved, regardless of the location would be the responsibility of the Owner to pay. To provide Council with accurate estimates for each alternative, detailed quantities would need to be provided or obtained which isn't typically completed by City Staff for residential entrance requests. Staff have considered what costs could be in order to provide Council a high level ranking of the alternatives.

Alternative	Cost	Note
Alternative Access One	Low	Significantly cheaper than all other alternatives, primarily legal, planning and survey fees to create and register the access easement.
Location Provided in the January 17, 2022 response	High	This alternative would require earthwork and a substantial amount of fill in order to connect the existing entrance and the subject property through the ravine. A culvert would be required to maintain drainage through the ravine.
Alternative Access Two	High	This alternative would be similar in cost and process to the January 17, 2022 option with additional costs related to property line adjustments, etc.
Alternative Access Three	Highest	This alternative would likely be the highest cost of all alternatives mentioned. Substantial earth work would need to be completed in order to connect the subject property to the road at a grade that meets the entrance by-law requirement. A culvert would be required to maintain drainage within the right of way along the ditch line. A section of steel beam guide rail would need to be removed and suitable guide rail end treatments would need to be installed on both sides of the entrance.

If the entrance is permitted at the Owners requested location, the City would have increased exposure to liability, and thus potential financial impacts, should there be any adverse effects that could be linked back to the entrance.

Consultations:

Director of Public Works

Director of Development Services

Attachments:

Appendix A – TAC Decision Sight Distance Table with Comparison Photos



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 Appendix A

Appendix B – 36 Month Area Collision History



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Appendix B

Appendix C – By-law 2017-151



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Appendix D – January 17, 2022 Entrance Review Response Location



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Appendix D

Appendix E – Alternative Access One Visual



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Appendix F – Alternative Access Two Visual



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Appendix G – Alternative Access Three Visual



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