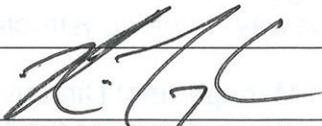


Management Directive

Management Directive No.:	MD2022-007
Management Directive Name:	Construction of Rural and Urban Roads to Access Existing Lots of Record
Date Approved by CAO:	July 19, 2022
Date Revision Approved by CAO:	March 27, 2023 
Related SOP, Management Directive, Council Policy, Forms	<p>Council Policy CP2017-010 Assumption of Private and Unassumed Roads</p> <p>Comprehensive City Official Plan 2012</p> <p>First Nations Consultation Policy</p> <p>Construction of Rural and Urban Roads to Access Existing Lots of Record</p> <p>Standard Operating Procedure</p>

Management Directive Statement and Rationale:

This Management Directive establishes the Staff response to requests to construct a new road on an unimproved road allowance within both the urban and the rural areas within the City of Kawartha Lakes. The zoning by-laws for all areas in Kawartha Lakes – excluding the former Laxton Digby Longford Township – require that the only uses permitted on lands with no frontage or direct access onto a road assumed for maintenance purposes by the City or the Province shall be agricultural uses with no dwelling unit associated (provided the land is zoned for agricultural uses), or limited services residential uses.

The reason for this requirement is to prevent inefficient expansion of City infrastructure. Accordingly, road construction requests are made to facilitate development on existing lots of record with no such frontage, and will very rarely be permissible.

The request may be accompanied by a request that the City assume the road post-construction. Alternatively, the request would need to be accompanied by a request to amend the zoning by-law (if the zoning by-law prohibits the development). This will not be considered, as this would not be in conformity with the general spirit and intent of the zoning by-law, official plan, or overarching planning policy.

Although requests for road construction are posed as requests to construct “driveways” to access the applicant’s lot, this is a mischaracterization of the request. See the definition of “Driveway” below. “Driveways” should only be considered as private assets

and used for the sole purpose of accessing private property. They are often short in length and not designed to accommodate traffic by the general public at high speeds. When a “driveway” is proposed to be constructed within a City road allowance, the general public is entitled to travel on that “driveway”. The City is exposed to liability for negligent construction resulting in personal injury. The greater the length of the “driveway” to be constructed, the greater the exposure.

This Management Directive only applies with respect to requests for access to existing lots of record, not for road creation on land that is originally private property (and transferred to the City as part of lot creation) associated with lot creation. This could occur in conjunction with site plan application, or may not have any corresponding Planning Act process. For road creation on land that is originally private property (and transferred to the City as part of lot creation) associated with lot creation, such as draft plan of condominium or draft plan of subdivision, see the City’s Planning and Development section of the City webpage for guidelines and process. However, there may be a case where the City’s road allowance is to be opened up to access a subdivision, severance, or plan of condominium in an urban settlement area.¹ This management directive would apply to the City’s property only in that case; not to roads created on private property.

The goal of this Management Directive is:

- a) To ensure adherence to the relevant Official Plan policies, the Growth Plan for the Greater Golden Horseshoe, and the Planning Act;
- b) To ensure adherence to the Environmental Assessment Act;
- c) To avoid passing any new development costs to ratepayers of the municipality (“growth pays for growth”);
- d) To control the means by which the City of Kawartha Lakes may allow construction of new roads, to provide fairness and consistency; and
- e) To control the development of unimproved road allowances so as to ensure the efficient expansion of the City’s road network.²

¹ No lot creation is to occur outside urban settlement areas or hamlet areas, pursuant to the Planning Act.

² Efficiencies are based on overall capital replacement and routine operations and maintenance. There is a financial cost to the municipality for expansion of the road network. The number of users on the network is related to the operational cost.

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Scope:

The City shall only consider through this Management Directive the construction of new roads on existing City owned unimproved road allowances, in order to provide access to an existing lot of record. This Management Directive does not deal with:

- the construction of a road originally on private property (to be transferred to the City) to access lots to be created by subdivision (the assumption of new roads where assumption is governed by the Subdivision Agreement), or
- assumption of existing unassumed or private roads (where assumption is governed by Policy CP2017-010).

As an alternative to proceeding through this process, where several (five or more) neighbouring owners wish to have an existing unassumed or private road upgraded at the owners' expense and then assumed by the City for maintenance purposes, they may petition the City for a local improvement pursuant to the provisions and regulation under the Municipal Act, 2001 This road may then be assumed by the municipality, by by-law of Council.

Definitions

- a) **City** – shall mean the Corporation of the City of Kawartha Lakes.
- b) **Driveway** – shall mean an access constructed from private property to an Open Road Allowance, with reference to By-law 2017-151; construction of a road on a road allowance and parallel thereto, does not result in the creation of a Driveway. Driveways are private assets used for the sole purpose of accessing private property from a municipal road that runs along the property frontage.
- c) **Highway** – Every public road is a highway. As defined in the Highway Traffic Act, a Highway includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof. As per Section 26 of the Municipal Act, 2001, the following are Highways unless they have been closed:
 1. All highways that existed on December 31, 2002.
 2. All highways established by by-law of a municipality on or after January 1, 2003.



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3. All highways transferred to a municipality under the Public Transportation and Highway Improvement Act.
 4. All road allowances made by the Crown surveyors that are located in municipalities.
 5. All road allowances, highways, streets and lanes shown on a registered plan of subdivision.
- d) **Right of Way** – means municipal property designated as Highways, Roadways, Lanes, Pathways and Walkways and includes features therein such as curbs, shoulders, boulevards, and drainage ditches.
 - e) **Road Allowance** – is a strip of land reserved for the Government by a Crown Surveyor for the purposes of accessing lots within a concession or created via registered plan of subdivision.
 - f) **Open Road Allowance** – is an improved road allowance that has been modified from its natural state to accommodate vehicular traffic. An open road allowance will have municipal road infrastructure and may have municipal and/or utility company servicing installed. In the case of a road allowance created through a plan of subdivision, the road allowance is open when the plan of subdivision is registered. In the case of a road allowance set out by a Crown Surveyor, a road allowance is open unless permanently closed by by-law prohibiting public access and a certified copy of the by-law is registered in the proper land registry office.
 - g) **Closed Road Allowance** – means a road allowance that has been permanently closed by by-law to prohibit public access and a certified copy of the by-law is registered in the proper land registry office.
 - h) **Unimproved Road Allowance** – means a road allowance in a natural state (could be closed or open pursuant to By-law). An unimproved road allowance could have trails or pathways used for public access purposes, but has not been improved by the municipality for the purposes of vehicular (car, truck) movement.
 - i) **Improved Road Allowance** – means improved by the municipality for the purposes of vehicular (car, truck) movement.
 - j) **Private Road** – means roads in existence on property held in private ownership that has not been dedicated as public highway/ road allowance or assumed by the municipality for maintenance purposes, which provides 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.

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- k) **Unassumed Road** - means a road that is within a municipal road allowance that has not been assumed by the City through by-law. The City does not provide year round maintenance on an unassumed road. An unassumed road will be assumed by the City, once the road has been confirmed to be in a condition satisfactory to the City for assumption by the City.
- l) **Assumed Road** - means roads and highways in municipal ownership (or shown on title as being in private ownership) and that have been assumed by the municipality for year-round maintenance by the municipality. Assumed roads must be on an open road allowance or forced over private property.
- m) **Proponents** - shall mean residents or ratepayers associations who are requesting to construct an improved road on an unopened or unimproved road allowance so that the road, once constructed, becomes an unassumed road unless assumed by municipal by-law.
- n) **Seasonal Roads** – shall mean roads that are owned by the City, but on which maintenance is performed on a seasonal basis. Seasonal maintenance could include winter plowing and/or road grading. These roads are unassumed.
- o) **Development Review Team** – shall mean the Director of Development Services, Manager of Planning, Director of Engineering and Corporate Assets and Director of Public Works, as well as technical staff as determined from those individuals.

The above definitions will be adopted for purposes of future policy and by-law creation. Existing policies and by-laws will be amended for consistency.

Policy:

Planning for Development or Use of Existing Lots of Record

The Planning Division will not only plan for “growth” or lot creation; the Planning Division will also plan for and approve the orderly development (i.e. building on) or use (i.e. use for farming, forestry or recreational purposes, where no dwelling / building permit³ is required) of existing lots that currently front on unimproved road allowances.

³ Dependent on the applicable zoning by-law.



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Requests from the public to construct a road to provide access to an existing lot of record will be sent to the Planning Division by email circulation for response.⁴

Road Allowances in the Oak Ridges Moraine

New roads will not be constructed within the Oak Ridges Moraine Conservation Plan area, which area is defined by the Conservation Plan itself, as well as by the City's Oak Ridges Moraine Official Plan and Zoning By-law. This policy is consistent with all 3 planning documents.⁵

Road Allowances in Natural Heritage Area

New roads will not be constructed in areas designated as being natural heritage (woodlot or wetland) in the City's Official Plan (Schedule B).

Road Extension within Urban Areas with insufficient Servicing

Road extension within urban areas to lots with a "hold" zoning for servicing will not be approved, without the inclusion of adequate municipal servicing.⁶ Official Plan policy requires that, within settlement areas, municipal servicing be provided. Moreover, policy 2.2.1.2.b of the Growth Plan provides that growth will be limited in settlement areas that are not serviced by existing or planned municipal water and wastewater systems. The Environmental Assessment Act public notification and impact assessment process would be engaged and an amendment to the City's Environmental Compliance Approval from the Ministry would be required, where available.⁷ Moreover,

⁴ For matters where no Planning Act process is required, such as requests where site plan approval is not required and where zoning exists except for the existence of an improved and potentially assumed road, these will be circulated by email to Planning and then from Planning to DRT, if discussion with Public Works and/or Engineering is required.

⁵ New roads within settlement areas in the ORCP area can only occur if they are for municipal/ provincial / federal purposes, which is not the case of private development within the Moraine.

⁶ Unless the hold zone itself should be removed. See comment below.

⁷ Municipal sanitary only (not water) is available in Coboconk. Municipal sanitary and limited water is available in Omemee. Municipal water only (not sanitary) is available in Woodville and Bethany. Development in these areas is subject to Hold zoning that can be removed through the Comprehensive Rural Zoning By-law process or as a result of successful applications made by individual property owners to amend the zoning by-law to remove the Hold zoning: The Provincial Plan requires development in urban areas be on full municipal water and sanitary servicing. Fenelon Falls, Bobcaygeon and Lindsay have insufficient servicing for additional infill growth to 2031, without further capital upgrades to the municipal water and sewage systems. The Municipal Comprehensive Review, underway as of June 2022, will plan for growth to 2051 and will plan for upgrades that, once incorporated into the Development Charges By-law and built, will allow infill development on unimproved road allowances to occur on existing lots of record in these areas.

construction could be required to a higher standard, to meet engineering standards. This could be to a full urban standard.⁸

Orderly expansion of Servicing – Orderly expansion of Urban Settlement Areas

In conjunction with and as part of the Planning Division's Municipal Comprehensive Review (which results in a Comprehensive Official Plan for the City) the Engineering and Corporate Assets Department will review the development pressures identified by Planning and will provide input in the form of determining existing reserve capacity in the City's water and wastewater systems in each urban settlement area within the City.

The Growth Management Strategy, Municipal Servicing Master Plan and Transportation Master Plan will be developed in consultation with one another. Servicing will be based on growth and development design.

Expansion of the road network within urban settlement areas will follow the municipal comprehensive planning and capital budgeting process. No road expansion and servicing expansion will occur within the urban settlement boundary outside this process and as contemplated by the Development Charges By-law and constructed by the City.

Cost Recovery

Engineering staff will coordinate the Environmental Assessment and building of the road through the capital program. As the road extensions are arguably local services, these costs will not be incorporated into the Development Charges Background Study, which in turn form the basis for the Development Charges By-law, which must be updated every 5 years according to the Development Charges Act. Alternatively, these costs could be recovered through agreement wherein the proponent pays for the cost of the road. A further alternative is a capital charge under Part XII of the Municipal Act, 2001.

10-year Phasing in the Official Plan

When expansion of an urban settlement area or the opening up of a rural area through road construction is forecasted through the Official Plan as occurring sometime in the next 30 years⁹, these expansions will be phased in the Official Plan into 3, 10-year increments in order to meet the phasing intent of the Growth Plan and ensure that these

⁸ Areas within urban boundaries may have a rural road cross section rather than an urban road cross section for stormwater management purposes or drainage purposes.

⁹ Approximate planning horizon as set out in the Growth Plan. Current planning horizon in the 2020 Growth Plan goes to 2051.



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projects are incorporated by Engineering and Corporate Assets into the Long Term Capital Plan (a 10-year plan).

Road Construction not in Accordance with the DC By-law

Where road construction on a City-owned road allowance is not set out in the City's Development Charge By-law, and thus the costs of such construction are not set out in the City's Capital Plan or Capital Budget, but where Planning Staff are of the opinion that construction of the road demonstrates orderly and efficient expansion of the City's road network, in consultation with the City Solicitor, and is in line with planning for growth as illustrated above (see related Standard Operating Procedure for guiding criteria and process), the following process shall be followed to determine this and to allow for a road be constructed in order to facilitate access to an existing lot of record: The Planning Division will advise the proponent:

1. of the zoning by-law requirements for road frontage;
2. that an Environmental Assessment is required to confirm the construction of the road;
3. that the road is to be constructed by the City, on the City's timeline and according to the City's priorities, and at the cost of the proponent; and
4. the standards as set out in Schedule A to this Management Directive.

If the proponent is willing to meet the standards and pay the associated costs (in the hundreds of thousands of dollars), then the proponent will be directed to work with the City Solicitor and the Engineering and Corporate Assets Department for the creation of a Road Construction Financing Agreement. The Agreement will be advanced to Council for execution once the proponent has executed the Agreement.

If an individual proponent is unable to pay the full costs of road construction, but where several properties would benefit from the construction of a road along their frontage, the proponent (et. al.) could petition the municipality to complete the road works at the cost of the municipality and bill back the benefitting properties through the local improvement process set out in O. Reg. 586/06 to the Municipal Act, 2001 (voluntary payment or placement on tax roll). A capital charge levied on benefitting properties pursuant to Part XII of the Municipal Act could alternatively be requested by the proponent. If such a cost recovery method receives support from Council, then the Engineering and Corporate Assets Department will plan and budget for the road project accordingly.

Unplanned Road Construction

The request for construction by private individuals of new roadways on City-owned road allowances will in the vast majority of instances not be permitted outside the development (lot creation) process. Such construction does not conform to the Growth

Plan for the Greater Golden Horseshoe, by allowing for unplanned growth and, in turn, inefficient development.

Moreover, this type of development is cost-prohibitive for most individual lot owners. The individual lot owner would be required to bear the cost of the Environmental Assessment process, in addition to meeting the City's design guidelines for new road construction. This is the case regardless of whether or not the City will assume a road for maintenance issues, as construction of a new road on a City-owned road allowance outside the Planning Act rezoning process engages the Environmental Assessment (EA) process. The City's Engineering and Corporate Assets Department needs to conduct the EA itself, which EA informs the capital process. This is an unplanned in-year pressure on the department's work plan. For that reason, the Engineering and Corporate Assets Department will add the project to its capital project work plan and will prioritize it appropriately, subject to Council approval. It is anticipated that it will take several years to complete each project.

Based on the City's experiences in approving all road construction requests to date, regardless of whether or not the road expansion is a logical expansion to the City's road network, City Staff have come to the conclusion that the City cannot provide a good user experience if it approves all road construction projects without discrimination. In line with the City's Strategic Priority¹⁰ of Good Government, the City should not be providing services it cannot do well in providing.

Road Assumption

In the case of proposed construction, the Planning Division does not consider applications to remove frontage requirements to be minor in nature.¹¹ Nor are these proposed amendments minor in impact.¹² Accordingly, these applications are not appropriately the subject of minor variances and are more appropriately made as zoning by-law amendments. Planning Division Staff have advised that they will not support

¹⁰ City of Kawartha Lakes Strategic Plan 2020-2023

¹¹ One of the 4 tests for a minor variance, as set out at s.45 of the Planning Act.

¹² Another of the 4 tests for a minor variance, as per s.45 of the Planning Act.

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applications for rezoning to remove the requirement for frontage on an improved and assumed public road, in cases where new development is proposed.¹³

Accordingly, a better alternative to minor variance or zoning by-law amendment is the requirement that the applicant request that the City construct a road and Council assume same road if approved by Council. Council approval is required. Except in the case where not required by zoning, a road assumption by-law will be advanced to Council once the road is constructed to the City’s standards.

In rare circumstances, such as access to lands for resource extraction or to build renewable energy facilities, road assumption may not be required in order to allow for the proper use of the property in accordance with the zoning by-law. In these cases, Planning Staff will consider whether or not the road construction request (resulting in a road construction financing agreement being advanced to Council) requires an assumption by-law for zoning compliance and – if so – whether or not Planning supports a zoning by-law amendment to remove the frontage (on an assumed road) requirement.¹⁴

Revision History:

Proposed Date of Review:

Revision	Date	Description of changes	Requested By
1.0	July 19, 2022	Initial Release	
1.1	March 27, 2023	New provision stating that new roads will not be constructed in areas	City Solicitor & Manager of Planning

¹³ On the contrary, where redevelopment is proposed – i.e. where development is existing – and an improved road exists, but where the road is unassumed for maintenance purposes (and may not meet the City’s engineering standards for assumption, as per Council Policy CP2017-010, or the City’s engineering standards for new construction), it is possible that the Planning Department may conclude that the lack of frontage on an assumed road constitutes a minor variance.

¹⁴ In accordance with Comprehensive Official Plan Policy 28.6.7, this would be achieved by zoning the property “limited service”.

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		<p>designated as being natural heritage</p> <p>Distinguish between development and redevelopment (where a road is improved, but not assumed) for purposes of determination of whether or not a variance to the zoning by-law to remove the frontage requirement is minor.</p>	
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SCHEDULE A – ROAD CONSTRUCTION REQUIREMENTS

City of Kawartha Lakes Municipal Infrastructure Guidelines

For these guidelines, see the Planning and Development webpage on the City’s website. The standards for road creation to access an existing lot of record are the same as that for a new lot of record.

The following are components for a detailed engineering design for the proposed road construction:

- Ontario Land Surveyor legal & topographic survey
- Civil detailed engineering design drawings (i.e. removals, erosion and sediment control, plan and profile, grading, drainage, utilities, municipal servicing, etc.) and cost estimate, contractor/construction actuals, engineering inspection, certification, as-built/record drawings
- Turn around including any land required
- Security – 100%
- Engineering administrative fee – 3.7%
- Geotechnical initial investigation plus ongoing testing
- Legal administrative fee of \$1,500
- Third party agency fees
- Tree removal compensation, tree preservation plan, to the satisfaction of the City’s Arborist
- Environmental Assessment
- Archaeological Assessment, if road within 300 m of a water body or required by a First Nation or the Heritage Officer, to the satisfaction of the Heritage Officer

Brush and tree overhang: Minimum 5.0 metres overhead clearance and 5.0 metres total horizontal clearance (i.e. 0.5 metres beyond the edge of the road on each side) to be provided.

Drainage and culverts: Drainage must be sufficient to adequately manage typical rain events: culverts must be sized correctly and must be (and remain) structurally sound.¹⁵

¹⁵ A component of the overall engineering design requirements

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All areas within the road allowance and outside the traveled portion of the road disturbed by construction shall be covered by 150mm of screened topsoil complete with seed.

All work and material shall conform to OPSD and OPSS standards and City guidelines as approved by Council.

All employers on site will comply with the Occupational Health and Safety Act and the Workplace Safety and Insurance Board (WSIB) Act and the proponent will provide the City with a WSIB Clearance certificate prior to commencing any work.

All work shall conform to the Plan and Profile design.

All work shall conform to the Site Grading, Sediment & Erosion Control Plan.

All work to be completed to the satisfaction of the Director of Engineering and Corporate Assets or their designate.

The proponent will provide the Director of Engineering and Corporate Assets with a record (as-built) plan and profile drawing at the completion of construction.

The proponent acknowledges and agrees that this remains a public right of way and is not entitled to gate the roadway.

Compensation for City Administrative Costs

The proponent will pay a one-time fee of \$1,500 plus 3.7% of the construction costs on City property to the City, as an administrative fee to pay for the staff time to administer the license. The proponent will pay a one-time fee of \$1,000 for the arborist to administer the permit to remove trees. Of the 125% security taken for the Environmental Assessment, 25% of that is the administrative fee for the Engineering Department to administer the Environmental Assessment process, and the balance is to cover the cost of the Environmental Assessment.

Compensation for Tree Removal

The proponent shall provide compensation to the City for the removal of vegetation (mature trees and hedgerows) undertaken during construction on the Road Allowance. These funds will be used for canopy creation, maintenance, and conservation within the City of Kawartha Lakes.

Compensation shall be calculated as being equivalent to the supply and installation of four (4) new trees for each mature tree (trees being 5 inches or greater in diameter, measured at 4.5 feet from the ground) removed in the Road Allowance as part of the construction. The calculation uses the following criteria for replacement trees:



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deciduous trees shall be a minimum of six (6) feet in height and minimum 60mm in caliper and new coniferous trees shall be a minimum of eight (8) feet in height. The calculation uses the average cost of the supply and installation of trees meeting these criteria in 2017: \$425.00 per tree. Accordingly, the calculation for each tree removed is as follows: $\$425.00 \times 4 = \$1,700.00$.¹⁶

The proponent shall pay for a tree preservation plan, in order for the City to calculate the total amount of compensation owing. The City will not tender the project for construction until the tree compensation payment has been made.

Construction Liens

If any person shall register against the City's Lands a claim for lien under the *Construction Act (Ontario)* in respect of any work carried out by the proponent, the proponent shall, upon having been given notice thereof or otherwise becoming aware of same, forthwith remove and vacate such lien at its sole cost and expense within twenty (20) days. In the event that the proponent does not forthwith discharge any such lien and/or certificate registered as aforesaid within such twenty (20) day period, the City shall be entitled to do so at the sole cost and expense of the proponent.

Environmental Damages

The proponent shall be, at its own expense, responsible for any loss, costs, damages, charges or expenses whatsoever which may be sustained by the City as a result of any environmental contamination, spill or hazard as may be created by the proponent.

Environmental Assessment

The Engineering and Corporate Assets Department will schedule the completion of the necessary Class of environmental assessment under the Environmental Assessment Act for proposal in a following calendar year, which year will be determined in light of the Department's competing capital priorities. While the Engineering and Corporate Assets Department, through the use of an external contract, will administer the environmental assessment, the proponent will provide the Engineering Department with a deposit of 125% of the costs associated with the environmental assessment, and will be responsible for any overages. Full payment will be made prior to the Engineering Department tendering the work.

¹⁶ See Fees and Charges By-law and Tree By-law

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The scope of the Environmental Assessment will consider the servicing impact on the environment of opening up lots for development, and will consider whether or not sufficient groundwater exists for private water servicing of each affected lot.

The City will consult with First Nations, Conservation Authorities, the Ministry of Northern Mines and Development, Natural Resources and Forestry and the Trent Severn Waterway (all as applicable) will occur as part of the environmental assessment process and at the expense of the proponent. Consultation with First Nations will occur in accordance with the City's First Nations Consultation Policy.

Any and all third party permits must be submitted to the City to its satisfaction prior to commencement of any work.

Archaeological Assessment

If consultation with First Nations or the City's Heritage Officer identifies a potential archaeological interest in the site, or where the site is within 300 m of a water body, the proponent will be required to hire an archaeologist and complete an archaeological assessment in accordance with provincial requirements and to the satisfaction of the City and the First Nations who have identified an interest. The proponent will be responsible for all consultation costs. The proponent will be responsible for any repatriation costs, if an archaeological find is discovered.

Indemnity

The proponent shall at all times indemnify and save harmless the City, its employees, agents and members of council from and against any and all manner of claims, demands, losses, costs, charges, actions and other proceedings whatsoever made or brought against, suffered by, or imposed on the City in respect of any loss, damage or injury to any person or property directly or indirectly arising out of, resulting from, or sustained, arising out of or occasioned by the construction, maintenance or use of the road except for the negligence or willful misconduct of the City.

The proponent further covenants to indemnify and save harmless the City with respect to any encumbrance on or damage to the property or the Corporation of the City of Kawartha Lakes occasioned by or arising from the act, omission, default, or negligence of the proponent, its officers, agents, servants, employees, contractors, customers and/or invitees.

Security

Proponent to provide Engineering with a cost estimate to confirm the amount of security to be provided to the City: 100% of total construction costs, in the form of cash or a



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letter of credit. The security is to be paid to the City at the time of the execution of the agreement authorizing the road construction. The City will be entitled to pay this directly to subcontractors in the case of a Construction Act claim.

SCHEDULE B – RELEVANT COMPREHENSIVE OFFICIAL PLAN 2012 POLICIES

28.6.7. Where lots do not have direct access onto a maintained year round municipal road or provincial highway, the City will not permit development to take place. This provision will be incorporated into the zoning by-law. The exceptions to this provision, are when:

- the lot is zoned Limited Service;
- the lot is within a plan of subdivision where the road is to be assumed by the municipality as provided for in a subdivision agreement;
- the land owner has entered into an agreement or licence with the City for maintenance and/or construction of the road; or
- access will be over a road that is part of a condominium where the owner of the lot or unit is a member of the condominium.
- The area is within DP8 (Longford Area) except if application for consent, subdivision or condominium is made.

28.6.5. There are a number of local roads that are maintained seasonally. The City will not encourage new development on these roads unless the new development contributes to upgrades to the road to bring it up to a year round municipal standard.

28.6.6. There are a number of private roads throughout the City. The City will require these to be upgraded prior to being assumed by the City. The roads right of ways should have a minimum width of 20 metres. Alternatively, the road could be part of a condominium whereby the abutting property owners would be responsible for the capital cost to upgrade the road and maintaining it.