



# Council Report

---

**Report Number:** LGL2024-009  
**Meeting Date:** September 24, 2024  
**Title:** Road Construction – Existing Lots of Record  
**Description:** Providing information on the City’s decision matrix when considering the expansion of the City’s road network to service existing lots of record  
**Author and Title:** Robyn Carlson, City Solicitor

---

**Recommendations:**

**That** Report LGL2024-009, Road Construction – Existing Lots of Record, be received.

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

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

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

## **Background:**

The municipality currently allows the construction of new roads on private property that will be transferred to the City once constructed to the engineering standards set out by the Engineering Department and located on that Department's webpage. This usually occurs as part of an application under the Planning Act: either it is the construction of a new road associated with a subdivision or a plan of condominium.

These applications all come into the Planning Division of Development Services and the Planning Department takes the lead in circulating the proposal for comments (to the Ministry, First Nations, Conservation Authority, internal Departments at the City, such as the Engineering Department, and to the public). **This report does not address these situations.**

The municipality in many cases requires existing lots of record to front on an open and municipally-maintained road pursuant to its zoning by-laws, in order to allow for a building permit to be issued for that lot. **Where a lot of record exists on a City-owned road allowance, and zoning requires frontage on an improved (for vehicular travel) road, assumed for maintenance by the City, in order to obtain a building permit, the municipality is often asked by the lot owner how it can proceed to obtain a building permit. The purpose of this Staff Report is to inform the public and Council as to how Staff will process these inquiries, and the rationale for same.**

The City is currently engaged in a growth management strategy, which will guide where development will occur for the time period 2021-2051. As part of that study and informing that study, the City reviews where development pressures from the private sector exist in the context of existing and planned services (water, sewer, and roads), in order to most efficiently expand its infrastructure to meet growth needs over this long-term planning horizon.

Council Policy CP2017-010 and Management Directive MD2022-007, which outline considerations in the efficient expansion of the transportation network informs, in part, the transportation master plan, which is a component of the growth management strategy.

## **Rationale:**

The standard that the City's uses to justify the construction of new municipal roads on existing road allowances is set out in Management Directive MD2022-007. The developer/ homeowner will upfront the cost of construction, and be required to satisfy

the City that all archaeological, servicing, and environmental considerations can be addressed satisfactorily.

When road construction occurs through the Planning Act process, the proponent is exempt from the public notification and environmental and archaeological considerations of the Environmental Assessment Act process. This exemption is provided because the Planning Act process mirrors the same consideration and consultation process as set out in the Environmental Assessment Act process.

However, in the case at issue, there is no Planning Act process. Accordingly, construction of new roads must proceed through the Environmental Assessment Act process before the City can determine that the construction of the road as proposed is in the best interests of the City, taking into consideration archaeological, financial, social and environmental considerations.

Where the City's growth planning (that is, the transportation master plan) has identified that a road will be constructed within a particular timeline (referred to as "growth horizons" in the planning context), this will be scheduled as part of the City's capital works process and costs will be recovered pursuant to Development Charges By-laws. Where the road construction has not been identified and the road construction is to service an existing lot outside the Planning Act process (that is, there is no concurrent zoning by-law amendment or subdivision agreement, for example), the costs and process to construct a new road are set out in detail in Attachment A.

The costs and processes are the same as in instances that fall under the Planning Act purview, the only difference is that the City conducts an Environmental Assessment at the cost of the proponent prior to determination that the road will be built, in order to comply with the legislation and mirror the Planning Act consultation and consideration process.

Regardless of whether or not a road will be assumed by the municipality for maintenance purposes, once a road is constructed on a road allowance, the municipality is responsible to the motoring public to ensure that the road is well constructed. For this reason, the Management Directive requires that the Engineering and Corporate Assets Department be satisfied with the construction of the road.

New roads will not be constructed within the Oak Ridges Moraine, or in areas designated as being environmental protection (woodlot or wetland) in the City's Official Plan (Schedule B).

Currently, infill development in the urban settlement areas of Lindsay, Bobcaygeon, Omeme and Fenelon Falls is impacted by water and sewer servicing restrictions. The City is currently conducting servicing and growth studies. These restrictions will be lifted once Servicing needs for growth to 2051 will be identified in master servicing studies, the Development Charges By-law will be updated to collect the necessary fees to fund these costs, and the identified upgrades to water and sewer infrastructure will be constructed. In Lindsay, additional construction in 2025 should bring on some additional capacity at the water and wastewater treatment plants, as well as improvements to linear infrastructure.

New roads in rural areas may be constructed, provided the proponent is willing to pay all the costs associated with completing the public review process under the Environmental Assessment Act and provided that the review process concludes that the new road and resulting additional development is feasible from an environmental, private servicing, and cost perspective.

Council approval for the commencement of the Environmental Assessment process is required, as well as for adoption of the recommendations of the Environmental Assessment.

The new road may be constructed at the proponent's costs. The timing of construction will be determined by the Engineering and Corporate Assets Department, so as not to interfere with competing capital projects of priority. The road, once constructed, may be assumed by the municipality by by-law if assumption is in alignment with the Zoning By-law. If assumed by the municipality by by-law, the municipality is solely responsible for summer and winter maintenance post-assumption, as well as emergency and future capital works.

Alternatively, if the road is not required to be assumed by by-law post-construction, then the proponent will need to maintain it at its own expense in order to ensure continued access. The terms will be set out in a license agreement. Moreover, the proponent must obtain the consent of the City to conduct future capital works on the road, including emergency repairs. These future works are all at the cost of the proponent; not the City.

A full list of the decisions made by the City under this framework is set out at Attachments B - D. Of particular interest to Council will be the decision rationale pertaining to property North of 81 Harvest Road, owned by Faro Ltd., as Council has received a deputation from Mr. and Mrs. Arnold on this matter.

## **Other Alternatives Considered:**

None.

## **Alignment to Strategic Priorities**

This report aligns with the City's strategic priority of Good Government, through facilitating the growth of a Vibrant and Growing Economy in the City while doing so in a way that does not compromise a Healthy Environment or Good Government. The information provided in this report demonstrates the Guiding Principles of fiscal responsibility and service excellence and the corporate Value of teamwork, in that these development projects are interdepartmental.

## **Financial/Operation Impacts:**

While development brings more tax dollars into the City, it also brings additional operational costs, where the zoning requires that the property be on a road assumed for maintenance purposes.

While the initial capital costs will be placed on the developer, the construction of the road as a capital project will still create an administrative operational pressure on the Engineering and Corporate Assets Department. The road construction will need to be prioritized in accordance with existing, scheduled competing capital priorities.

Operational pressures will be placed on Staff should the zoning for the property require road assumption. Specifically, Public Works will need to patrol the road for hazards, will need to repair the road as needed (i.e. potholes, brushing, grading/ patching), and will need to provide winter maintenance (snow plowing and sanding). Public Works will need to provide garbage pick up and Emergency Services (fire, paramedics) will need to be able to access the property. If assumed for maintenance purposes, the road will need to be placed into the City's Roads Need Plan and managed as a City asset. Eventually, when the road deteriorates such that additional capital works are required, the City will be required to outlay these additional costs (capital replacement is a corporate reality).

## **Attachments:**

Attachment A – Management Directive – Road Construction on Road Allowances to Service Existing Lots of Record MD2022-007



Attachment A

Attachment B – Decisions Made Pursuant to MD2022-007 – Approvals



Attachment B.docx

Attachment C – Decisions Made Pursuant to MD2022-007 – Denials for Reasons of Environmental Features or Insufficient Road Allowance Width



Attachment C.docx

Attachment D – Decisions Made Pursuant to MD2022-007 – Denials for Reasons of Insufficient Density (inefficient expansion of road network)



Attachment D.docx

**Consultations:**

Director of Development Services  
Director of Engineering and Corporate Assets  
Manager of Planning  
Manager, Development Engineering  
Manager, Technical Services  
Manager, Infrastructure Design  
Director of Public Works

**Department Head email:** [rcarlson@kawarthalakes.ca](mailto:rcarlson@kawarthalakes.ca)

**Department Head:** Robyn Carlson