

CORPORATION OF THE TOWNSHIP OF MCKELLAR

Roads Committee Meeting

March 17, 2022 – 10:00 a.m.

AGENDA

IMPORTANT NOTICE

This meeting will be held in the Council Chambers and is open to the public. Covid-19 screening and proof of vaccination is no longer required, however face masks must still be worn. The meeting will be audio recorded and recordings will be posted on the municipal website. The minutes will remain the official record of the meeting.

Join Zoom Meeting

<https://us06web.zoom.us/j/86582679906>

Meeting ID: 865 8267 9906

Dial by your location

+1 647 374 4685 Canada

+1 647 558 0588 Canada

22-04 1st resolution

1. CALL TO ORDER

2. ROLL CALL

3. OLD BUSINESS

3.1 Draft Roads Policy – Version 6

3.2 PowerPoint Update of Draft Roads Policy – Councillor Ryeland

4. NEW BUSINESS

5. ADJOURNMENT

Instructions for Joining the Council Meeting

1. Please try to sign in between 9:50 to 10:00 if possible; you are still welcome to sign in after 10:00 if necessary
2. Please wait to be let in the 'meeting room'; this won't take long
3. Please have your mic and video on mute unless you are speaking; this ensures there are no distractions or background noise to disrupt the meeting
4. When you sign in please sign in with your full name (first and last), not a company name
5. A question and answer opportunity will be available at the end of the meeting as per normal protocol or during the Public Meeting
6. If you have permission to speak please identify yourself (first and last name).
7. Please respect meeting protocol and do not interrupt the meeting. The Municipality reserves the right to remove attendees who are disruptive or disrespect meeting protocol.

**“Township of McKellar Roads Policy
Construction and Maintenance Guidelines
Resolution Number 2022-xx
dated 2022-mm-dd”**

Background	2
Road Classes	2
Municipal Assumption Options	2
Fire Route Naming	3
Road Classification	3
Upgrading Private Roads	3
Upgrading Municipal owned Unassumed Roads	3
Municipal Year Round Maintained Roads	4
Municipal Summer Maintained Seasonal Roads	4
Municipal Unassumed Roads	5
Unopened Road Allowances	5
Crown Lands	6
Private Roads	6
911 Services	6
Official Plan Excerpts	7
Application to Assume Private or Unassumed Road Allowance	8
Criteria for Private Road Assumption - Ontario Regulation 586/06	8
Proponents' Responsibilities	9
Township Staff Responsibilities	9
Road Maintenance Guidelines	10
New Road Construction Engineering Specifications	10
Municipal Road Construction Guidelines	11

Background

Good Roads are vital to a healthy community. They can enhance future economic development, attract visitors and new residents, improve retention of current residents and support emergency services.

The Official Plan (see Appendix 1) stipulates future development on municipally maintained roads. Also, existing roads must meet municipal standards to support any proposed development.

The Township of McKellar has more than 142 km of roads. These roads are summarized below, using the MPAC status. As of 2019, there were 39 km of roads that do not receive any municipal service, of which 30 km are private roads. The unassumed roads are municipally owned roads that have not been upgraded. However, there are approximately 3.6 km of unassumed roads that have received some summer and/or winter maintenance.

Prior to 2019, McKellar had not formalized road maintenance standards. There was one road construction standard (Sep 2007) that stipulated the road upgrades required for the Municipality to assume full-service provision for previously unassumed roads. That standard set a travelled surface width of 6.5m, 21ft.

This document is a compilation of the work of many. Our former Reeve penned a comprehensive roads' history and he provided suggestions for a road policy in 2016. The 2013 McKellar Roads Advisory Committee evaluated road conditions, prioritized road improvements and investigated road grants. Whenever feasible, the 2019 Ad Hoc Committee incorporated the road policy statements from other municipalities: Whitestone, McDougall, Archipelago, Frontenac, Kawartha Lakes and Rideau Lakes.

Road Classes

All McKellar roads have a recommended assigned provincial road class, which is determined by average daily traffic and established speed limits. The majority of rural roads are recommended as a 20 km speed limit that determines a road class 6 and secondary roads or main roads with a speed limit of 50km to 60km should be assigned to road class 5. The Public Works Department has established road maintenance guidelines that may differ for road class 5 and 6 to set priorities based on road usage. These guidelines establish response time to inspect and maintain road surfaces

While the province has not established multiple road construction guidelines, a municipality is permitted to create construction guidelines. McKellar has created a rural road construction guideline for road classes 5 & 6 roads.

Municipal Assumption Options

Under the Official Plan, THE OFFICIAL PLAN (mckellar.on.ca) any municipally owned unassumed road that is brought up to the minimum municipal road construction guideline can be eligible to be assumed by the township for ongoing winter and/or summer maintenance.

Municipally owned unassumed road assumption may be governed by Local Fees and Charges Bylaw process

Municipally owned unassumed road assumption and Private Road assumption is governed by O. Reg. 586/06; LOCAL IMPROVEMENT CHARGES – PRIORITY LIEN STATUS (Ontario.ca). O. Reg. 586/06: LOCAL IMPROVEMENT CHARGES - PRIORITY LIEN STATUS (ontario.ca)

Fire Route Naming

Full-time residents have had difficulty with banks and other providers recognizing fire route addresses as permanent residences. Consequently, residents on fire routes are encouraged to collectively find a new name (preferably with a "Path" or "Way" or "Road" or "Trail" or "Lane" second name). Renaming fire routes should follow the undernoted processes:

- only change name if approached by respective landowners
- contact the local road association (or create one if needed) to engage local landowners in the renaming
- survey respective landowners to determine name preferences
- hold a vote of respective landowners to agree/fix a new name e.g. name by selected by a majority, or by most preferred choice, record votes including landowner names and phone numbers
- obtain approval by 911 (managed by Bell)
- forward a formal renaming request to Township office (format to be provided) together with supporting documents from above
- once approved, the township will pass a renaming bylaw and arrange new signage

Road Classification

Ontario Regulation 239/02 O. Reg. 239/02: MINIMUM MAINTENANCE STANDARDS FOR MUNICIPAL HIGHWAYS (Ontario.ca) prescribes minimum maintenance standards for municipal roads based on road class. This regulation defines road class based on estimated daily traffic and posted speed limit. All McKellar Township assumed roads and municipally owned unassumed roads are rated a "5" or "6".

This Regulation sets the minimum response time standards for various maintenance functions, such as patrols, snow clearing, pot-hole repair, icy roads, etc.

Given the customary speed limits and traffic volume, most McKellar roads are assigned to the provincial road standard category 5 or 6. The unassumed municipal roads (all of which qualify as a category '6') currently vary in road surface travel width from 9 ft. to 16+ft.

The implementation of the roads policy includes a menu of options for municipally owned unassumed or private roads:

1. Status quo: no service, no grants
2. Upgrade road to minimum guideline: Local improvement levy (2/3 of landowners agree + half value of property) as per Ontario Regulation 586/06 municipality to assume road for winter and/or summer maintenance.

McKellar Roads Listing

A full list of all McKellar Roads is attached to this document as shown in Appendix x (number be inserted here).

Upgrading Private Roads

Unless Council makes an exception, the policy of the Township has been that all costs associated with upgrading or improving a private road to become a municipal year-round maintained road shall be borne by the landowners who front on, abut, or access the respective road(s).

In the past, the only cost sharing option was the procedures outlined in Ontario Regulation 586/06, Local Improvement Charges. This regulation requires consent of 2/3rd of the landowners who represent at least 50 per cent of the MPAC assessed property value. The normal semi-annual bill will reflect regular property tax amount and any extra costs per roads upgrade agreement.

Upgrading Municipally Owned Unassumed Roads

Unless Council makes an exception, the policy of the Township has been that all costs associated with upgrading or improving a municipally-owned unassumed road or municipally-owned unassumed road allowance to become a municipal year-round maintained road shall be borne by the landowners who front on, abut, or access the respective road(s).

Cost sharing options include the procedures below:

1. Ontario Regulation 586/06, Local Improvement Charges. This regulation requires consent of 2/3rd of the landowners who represent at least 50 per cent of the MPAC assessed property value. These costs are allocated on the basis of road frontage and can be spread over 10 to 30 years on the semi-annual tax bill.
2. Local Fees and Charges Method

Municipal Year Round Maintained Roads

These roads receive year-round maintenance by the municipality depending on the surface type, usually on an as-needed basis. Money is budgeted each year for repairs, maintenance and improvements to these priority roads and federal and provincial grant money is utilized if it becomes available. Culverts will be replaced as required. Ditching and brushing may be performed if needed. Roadside mowing is carried out each year usually in late summer.

Year-round roads have various surface treatments: gravel, double surface treatment or asphalt. Liquid calcium is applied on highly travelled gravel roads as dust suppressant at least once per year. It is the intention of the Township to gradually increase the percentage of surface treated roads and thereby decrease the number of municipal gravel roads provided as determined by cost benefit analysis and budget considerations.

Municipal Summer Maintained Seasonal Roads

These roads receive maintenance by the Municipality on an as needed basis during the summer months only. Gravel may be applied, grass growth may be eliminated or minimized, culverts will be replaced as required, ditching and brushing may be performed if needed and roadside mowing is carried out each year.

Each summer-maintained road or section is posted with a 'summer maintenance only' sign. Residents owning property and residing on said roads will not receive year-round maintenance. At Council's discretion, some of these roads may be plowed and sanded during winter months provided that minimum road standard criteria are met. It is understood that Council has no obligation to provide this service or continue to provide this service.

Municipal Unassumed Roads

A Municipal unassumed road is a road owned by the Township and maintained by private individual(s) or an organization rather than by the Township. Since the roads are owned by the Township the general public is allowed to travel on them; however, because they have not been assumed by the Township for maintenance purposes the private individual(s) and/or organization is responsible for all maintenance, repair, access, snow clearance, liability or other obligation:

- The Municipality does not provide any maintenance services to any development located on a municipal unassumed road nor does it provide any monies and/or equipment to be spent for maintenance purposes.
- At the Council's sole discretion, the municipality may provide snow removal and sanding services during the winter months on certain municipal unassumed roads that meet specific requirements. Council may provide this service based on maintenance needs and the Township of McKellar's financial capabilities. It is understood that Council is under no obligation to continue this program.
- The Township may register a notice on title or require that the owner enter into an agreement acknowledging that the Township will not be responsible for the repair or maintenance of unassumed roads or the provision of services or monies to any development located on an unassumed road and further that the Township may not be able to provide emergency services to properties, owners, residents, developments or users located on an unassumed road because of the condition of the road.
- It is the intent of the Council of the Township of McKellar to protect the municipality and its residents from incurring tax increases to finance road construction and upgrades that are the responsibility of developers and in some cases residents whose properties are abutting or accessed by municipal unassumed roads.
- All new or existing roads must be brought up to the municipal minimum construction standard before they are assumed by the Municipality.

Unopened Road Allowances

Throughout the Township there are many unopened road allowances and some shoreline road allowances owned by the municipality. The municipality has no obligation to open or improve road allowances to provide access to private or public property.

For various purposes, abutting property owners may approach the Township regarding the purchase of portions of unopened or shoreline road allowances. In considering the sale of unopened shoreline road allowance a Township will have regard for public recreational use. All costs will be borne by the applicant.

Any portions of a road allowance that contain, abut or provide access to important fish spawning areas wildlife habitat or other environmentally sensitive features or hazard shall be reserved. Portions of road allowances where significant historical or cultural features have been identified shall also be reserved.

Unless council determines otherwise, it is the policy of the Township to reserve or retain road allowances that lead to water so the public may still have access in the future.

Crown Lands

The Municipality has no objection to the establishment of roads over Crown land so long as the proponents receive the necessary permission from the Ministry of Natural Resources and Forestry and so long as they understand that the Municipality has no responsibility for the maintenance of the road.

Private Roads

A private road is a road that is owned by one or more individuals (not the Township) and is privately maintained. There is no legal obligation on the part of the Township to maintain or repair private roads or otherwise provide monies or services to any development located on a private road nor is there any responsibility acknowledged for the provision of school busing.

Unless Council determines otherwise, it is the policy of the Township of McKellar to not accept any responsibility, monetary or otherwise, for the maintenance or repair or liability or any other service of private roads either by the use of Township equipment or by the issuing of grants to property owners or organizations situated on said private roads.

The Township may register a notice on title or require the owner to enter into an agreement acknowledging that the Township will not be responsible for the repair or maintenance of private roads or provision of services or monies to any properties, owners, residents, development or users located on a private road and further that the Township may not be able to provide emergency services to development located on a private road due to the road condition.

If a private road is reconstructed to a standard acceptable to the Township and at no expense to the Township, the Township may consider the assumption of the private road if it abuts an existing municipally maintained year-round road or provincial highway. Prior to undertaking any such reconstruction, land owners of the property on a private road must obtain the approval of the Township. The work shall be undertaken to the standards of the Township, for a year-round maintained road.

911 Services

Owners and occupants on private roads are encouraged to ensure a minimum width to facilitate winter and summer access for emergency services.

All residents on municipally owned unassumed roads and on private roads are encouraged to adopt the Class 6 minimum road guideline. The Township can refuse to provide emergency services on sub-standard private or unassumed roads. Over time, all private or unassumed roads that have multiple full-time residents need to invest in an upgrade to the minimum road guideline.

APPENDIX 1

Official Plan

It is the intent of the Roads Policy to reflect the policies of the Official Plan 2018, as excerpted below:

5.8.2 Municipal Roads

5.8.2.1 All new development must front upon a year-round, publicly maintained road subject to the exceptions listed below.

5.8.2.2 A limited number of lots used for seasonal residential dwellings within the Waterfront designation may be serviced by an existing private road, registered right-of-way, minor extension to private road, or an unassumed public road which accesses a maintained public road, as identified on Schedule "A". A minor extension to a private road is defined as 180 or less from the last lot on the road. Private roads and rights-of-way will not be extended to properties which are located beyond the existing extent of the private road or right-of-way, except to provide water access for island lots and inaccessible shoreline where no alternative access is available.

5.8.2.6 All roads to be dedicated to and assumed by the Municipality must meet the current standards as set out by the Municipality and the Ministry of Transportation.

5.8.2.7 Road allowances must be a minimum of 20 metres in width except in special circumstances where it may be determined by a professional engineer (approved and agreed in writing by the Township) that the functional requirements may be accommodated by a lesser width.

5.8.2.8 Roads adjacent to and serving any proposed development must be capable of handling the additional traffic created by the development. Development should not be permitted on land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades.

5.8.2.9 It is the general intent of this Plan to maintain the function of the public access roads throughout the municipality.

5.8.2.10 On the main public roadways through the municipality, it will be the preference of the Township of McKellar to support new development that provides for internal roadways thereby minimizing direct access onto existing township roads. This policy is not intended to prohibit any new lot creation on existing public roads.

5.8.2.11 All new or existing roads must be brought up to the municipality's minimum construction standard before they are assumed by the Municipality. Existing seasonally maintained roads must also be brought up to municipal standards for year-round roads before they are designated for year-round road service. Benefitting property owners shall be responsible for the financing of any road improvements, including all survey, legal, engineering and construction costs associated with upgrading the road prior to its assumption by the municipality.

5.8.2.12 Wherever applications for development are proposed adjacent to municipal roadways and the municipality does not own title to the roadway, it will be the policy of this Plan to require that the applicant convey that portion of the roadway consisting of 10 metres from the centre line of the travelled road as it abuts the proposed development lands should a survey reveal an encroachment.

5.8.2.13 In some circumstances, it may be preferred to share driveway access between adjoining property owners to minimize the number of entrances on existing public roads.

Application to Assume Private or Unassumed Road Allowance

When submitting a proposal to the Township, all documentation and information must satisfy Council that the assumption of the assumed road is in the public interest, and that the proponents acknowledge and accept that any and all costs associated with such assumption are to be borne by the proponents and the following procedures applied.

Criteria for Private Road Assumption - Ontario Regulation 586/06

Without being necessarily limited to the following, the following criteria should be considered in determining if it is in the public interest to assume the municipally owned unassumed road or private road:

1. Does the road serve, or will it serve, five (5) or more separate and distinct private parcels of land which are being used, or are capable of being used for the purposes permitted within that zone, on a year-round basis?
2. Does the road provide access to a Township-maintained boat launch, beach or other facility or attraction promoted by the Township for public use and tourism?
3. Would the assumption of the road over-extend existing municipal roads maintenance programs, operations and resources?
4. Was the road constructed to the standards as stated herein, thus avoiding costly future upgrades and/or repair costs to the Township?
5. Will the assumption of the road promote further desired development?
6. Would further development require the road to be extended?
7. Would further development on this road over-extend existing municipal services?
8. Would the road facilitate the safe and efficient movement of goods and people?
9. At least two-thirds (two-thirds%) of all property owners who will receive direct benefit (how is this defined? what if an owner does not agree they benefit?) from the assumption of the road agree to the undertaking of the study and the assumption of the unassumed road by the Township. For private roads, two-thirds% of all property owners must agree to the undertaking of the study and the assumption of the private road by the Township.
10. All property owners required to give up ownership of legal title to the road itself, required road widenings or necessary turnarounds have consented to the Township's acquisition of their lands.
11. Have the Conservation Authorities or the Ministry of Natural Resources and Forestry, whichever has jurisdiction, been notified and are regulations followed where there could be any interference with wetlands or any alterations to shorelines and watercourses?
12. The Ministry of Transportation supports the proposed assumption by the Township.
13. The proposal conforms to the land use policies of the relevant Official Plan and Zoning By-law if lot creation would occur as a result of the assumption process.
14. There is a reference plan prepared by an Ontario Land Surveyor documenting the lands affected by the proposed assumption.
15. The proponents have provided original deeds and certification of title for the lands in question, prepared by the proponents' Solicitor.
16. The Township has received a legal opinion on the ownership status of the subject road and a risk assessment of assuming or not assuming the road.

Proponents' Responsibilities

- The cost and associated process of bringing the road up to municipal standard will be the responsibility of the proponents. Options will be provided to the proponents for immediate payment or the option to pay over a period of time as permitted under O. Reg 586/06 Local Improvement Charges – Priority Lien Status. O. Reg. 586/06: LOCAL IMPROVEMENT CHARGES - PRIORITY LIEN STATUS (ontario.ca)
- Where the proposed right-of-way has a deficient width, all benefitting owners define benefitting owners will be required to provide the necessary road widening to the Township free and clear of all encumbrances and at no cost to the Township.
- Where the proposed right-of-way dead-ends and a turnaround is thus required, title to the land required for the turnaround must be transferred to the Township at no cost to the Township.
- Prior to the commencement of an engineering study the proponents shall submit to the Township a refundable deposit of five thousand dollars (\$5,000.00). The Director of Public Works or their designate will provide proponents with an estimate and additional deposit may be required prior to proceeding. This deposit will be used to cover the engineering review costs and the amount may be increased as needed if the review is more complex. Any amount of the deposit not needed to cover the independent review will be returned to the proponents.

Township Staff Responsibilities

- Upon receipt of a petition requesting assumption of a roadway, Township staff will verify the sufficiency of the petition. i.e:
 - 1) petitions not supported by at least two-thirds of the property owners abutting, accessing or adjacent to the roadway will not be considered,
 - 2) petitions not supported by all owners giving up title rights will not be considered, and
 - 3) assumption of portions of a road less than 500 metres will not be considered unless the road links existing maintained Township roads.
- Township staff will prepare a Council Report and if Council agrees "in principle" with the possible assumption of the road then the works will proceed following confirmation of financing methodology.
- Prior to assuming the road section, the Township shall request an independent review of the subject road, at the proponents' expense. This review will include a report on the as-built condition of the existing road by a professional engineer and a cost-benefit analysis to determine the operational costs of maintaining the road and the impact on Township resources. In addition, the consultant will prepare, as part of the engineering report, an estimate of all costs relating to the construction or reconstruction of the unassumed road to the standards as stated herein. The cost of the independent engineering review and cost-benefit analysis will be borne by the proponents.
- Year-round road service will not be provided on seasonal roads or private roads until Council passes a by-law to formally assume the road and until the subject road is upgraded to the road standards as specified by the Township.
- If assumption of a privately-owned road is requested, the Township staff will review and recommend to Council to advance a by-law for assumption of the road.
- If assumption of a privately-owned road is requested, and where acquisition by the Township will result in severance(s), the Planning Department will consider the implications of the road assumption to ensure that any natural severances conform to the Official Plan policies and Zoning By-law regulations.

Road Maintenance Guidelines

The Township of McKellar will provide a level of service for routine patrolling that meets the Minimum Maintenance Standards O. Reg. 239/02 Section 3, under The Municipal Act 2001. O.Reg. 239/02: MINIMUM MAINTENANCE STANDARDS FOR MUNICIPAL HIGHWAYS (Ontario.ca). Road classifications are in accordance with O. Reg. 239/02. There are currently no Class 1,2,3 or Class 4 highways within the jurisdiction of the Township of McKellar

O. Reg. 239/02: MINIMUM MAINTENANCE STANDARDS FOR MUNICIPAL HIGHWAYS (ontario.ca)

New Road Construction Engineering Specifications

The road specifications are to provide developers and landowners with standards for Municipal road construction. The standards are to be adhered to for all new road construction and may be applied to upgrading of some existing roads at the discretion of the Council with input from the Public Works Department. The standards are to be regarded as the minimum requirements for construction acceptable to the Municipality for consideration, when the Municipality is assuming the operation and maintenance of roads for the purpose of creating year-round publicly maintained Municipal roads.

The minimum requirements for road standards generally follow the guidelines set out in

- Ontario Regulation 586/06 includes the standards that must be followed to undertake the local improvement work O. Reg. 586/06: LOCAL IMPROVEMENT CHARGES - PRIORITY LIEN STATUS (ontario.ca)
- the Ontario Provincial Standards Specifications & SydneyEnterprise: Portal (gov.on.ca)
- the Ontario Provincial Standards Drawings. MTO Technical Publications (gov.on.ca)

<u>Design Criteria</u>	ROAD CONSTRUCTION GUIDELINES	
	6	5
road classification	low traffic, dead-end	medium traffic, thoroughfare
road network		
Design Speed	20 kph	50 kph
Right of Way Width	20	20
Horizontal Radius	80.0 m	80.0 m
Maximum Grade	6.00%	6.00%
Kcrest (vertical curve, hill)	8	8
Ksag (vertical curve, valley)	12	12
Min Stopping Sight Dist	65.0 m	65.0 m
Clearing Width	10m	10m
Surface Width	6m 20ft	6 m, 20 ft
Shoulder Width	0.5 m	1.0 m
Horizontal Clearance	3.0 m	3.0 m
Vertical Clearance	5.25 m	5.25 m
Cross fall crown on road surface	3%	
Turn Arounds	OPSD 500.01 or equivalent	OPSD 500.01 or equivalent
Ditches	12" deep, 16" wide	adequate for watercourse
Surface Course	Granular A	Double Surface Treatment or Granular A at discretion of Township
Granular base course	Granular A 300mm	300 mm granular A
Sub Base	Granular B 300mm depth as determined by design	Granular B 300mm depth as determined by design
New culverts	400 mm diameter: 9m length minimum	400 mm diameter: 9m length minimum
Hills	Less than 10% grade	
Surface Type (traffic < 200/day)	Granular A: 100 mm (4")	Granular A: 100 mm
Surface Type (traffic > 200/day)	Double Surface Treatment	Double Surface Treatment
Signage	As per Ont. Traffic Manual	As per Ont. Traffic Manual
Dead end roads	15 metre turning radius	15 metre turning radius

Asset Management Plan + Detailed List of Capital Projects
Ont. Reg.239/02- Minimum Maintenance Standards as amended
Entrance Permit Application
Ont. Reg.586/06- Local Improvement Charges- Priority Lien Status
Road Specifications- Township of McKellar
Parking By-law No.98-23
Road Damage Deposit
Over –Dimensional/Overweight Permit
Half Loads

03/17/22