



COUNCIL MEETING MINUTES

Tuesday, March 22nd, 2022
5:30 p.m.
GotoMeeting

ATTENDANCE:

Members Present: Chair, Reeve, Brian Campbell
Deputy Reeve Barrie Crampton
Councillor Fred Dobbie
Councillor Rob Rainer
Councillor Beverley Phillips
Councillor Mick Wicklum
Councillor Gene Richardson
Councillor RoxAnne Darling

Staff Present: Amanda Mabo, Acting CAO/Clerk
Janie Laidlaw, Deputy Clerk
Sean Ervin, Public Works Manager
Noelle Reeve, Planner
Ashley Liznick, Treasurer

Regrets: None.

1. CALL TO ORDER

The meeting was called to order at 5:30 p.m.
The Reeve conducted Roll Call.
A quorum was present.

The Reeve overviewed the Video Conference Participation Etiquette that was outlined in the Agenda.

2. AMENDMENTS/APPROVAL OF AGENDA

The Agenda was adopted as presented.

3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF

None at this time.

4. APPROVAL OF MINUTES

i) **Council Meeting – February 22nd, 2022.**

RESOLUTION #C-2022-03-01

MOVED BY: Rob Rainer

SECONDED BY: RoxAnne Darling

“THAT, the minutes of the Council Meeting held on February 22nd, 2022, be approved as circulated.”

ADOPTED

ii) **Committee of the Whole Meeting – March 8th, 2022.**

RESOLUTION #C-2022-03-02

MOVED BY: RoxAnne Darling

SECONDED BY: Mick Wicklum

“THAT, the minutes of the Committee of the Whole Meeting held on March 8th, 2022, be approved as circulated.”

ADOPTED

5. DELEGATIONS & PRESENTATIONS

None.

6. CORRESPONDENCE

None.

7. MOTIONS

i) **Report #PW-2022-007 – Waste Disposal Site Annual Reports.**

RESOLUTION #C-2022-03-03

MOVED BY: Mick Wicklum

SECONDED BY: Fred Dobbie

“THAT, Report #PW-2022-07 – 2021 Waste Disposal Site Annual Report be received as information;

AND THAT, staff be directed to submit the 2021 Annual Reports for the Glen Tay, Maberly and Stanleyville sites to the Ministry of the Environment, Conservation and Parks before the March 31st, 2022 deadline, to be in conformity with the Certificates of Approval for each site.”

ADOPTED

- ii) **Report #PD-2022-09 – Severance Application – Cook (B21-120/121/122).**

RESOLUTION #C-2022-03-04

MOVED BY: Fred Dobbie

SECONDED BY: Barrie Crampton

“THAT, the Council of Tay Valley Township recommend to the Land Division Committee of Lanark County that the Severance Applications for Cook B21/120/121/122 (Con 4, Part Lot 12, geographic Township of Bathurst), for three new lots be approved subject to the following conditions:

That, the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township;

That, the applicant pays any outstanding fees to the Township prior to final approval;

That, two (2) copies of an acceptable reference plan (or legal description) and transfer document be submitted to the Township for each severance, both hard copy and electronically;

That, payment for each lot shall be made to Tay Valley Township representing Cash-in-Lieu of Parklands;

That, the lot proposed in B21/120 be subject to a development agreement that identifies a development envelope for a dwelling 30m from the wetland; indicates that a permit from the RVCA will be required to cross the stream/wetland with a driveway; and that no development will occur in the wetland. The lot proposed in B21/122 also be subject to a development agreement to delineate a developable envelope south of the marine/leda clays on the property;

That, the applicant shall obtain entrance permits and Civic Address Numbers for the severed lots from the Township; and

That, sufficient lands shall be dedicated to the Township along the frontage of the lots to be severed in order to meet the Township’s road widening requirements at no cost to the Township, if required. These requirements may also include sight triangles on parcels adjacent to existing public or private roads.”

ADOPTED

- iii) **Report #PD-2022-10 – Severance Application – Berga and Hall (B21/168/169).**

RESOLUTION #C-2022-03-05

MOVED BY: Barrie Crampton

SECONDED BY: Gene Richardson

“THAT, the Council of Tay Valley Township recommend to the Land Division Committee of Lanark County that the Severance Applications for Concession 5 Lot, 1 geographical Township of North Burgess known as 445 Winton Lane (Roll Number 91102502400), for two lot additions be approved subject to the following conditions:

That, the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.

That, the applicant pays any outstanding fees to the Township prior to final approval of the severances.

That, two (2) copies of an acceptable reference plan (or legal description) and transfer document be submitted to the Township for the severances, both hard copy and electronically.

That, undersized lot area be recognized through minor variances or zoning amendments for the lots created by the lot additions from B21/168 and 169.”

ADOPTED

- iv) **Report #PD-2022-11 – Severance Application – Jacob and Lindstrom (B21/194).**

RESOLUTION #C-2022-03-06

MOVED BY: Gene Richardson

SECONDED BY: Beverley Phillips

“THAT, the Council of Tay Valley Township recommend to the Land Division Committee of Lanark County that the Severance Application for Lorna Jacobs and Terry Lindstrom B21/194 (Concession 6, Part Lot 5 and 6 geographic Township of North Burgess) roll number 091191101000120, 102 Lee Trail Lane for an easement for utility purposes in favour of lands at 179 Lee Trail Lane, owned by Griff Jones, be approved subject to the following conditions:

That, the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.

That, the applicant pays any outstanding fees to the Township prior to final approval of the severance.

That, two (2) copies of an acceptable reference plan (or legal description) and transfer document be submitted to the Township for the severance, both hard copy and electronically.”

ADOPTED

v) **Report #PD-2022-12 – Severance Application – Lee (B21/193).**

RESOLUTION #C-2022-03-07

MOVED BY: Beverley Phillips

SECONDED BY: Rob Rainer

“**THAT**, the Council of Tay Valley Township recommend to the Land Division Committee of Lanark County that the Severance Application for Regan Lee B21/193 (Concession 6, Part Lot 6 geographic Township of North Burgess) roll number 091191101000100, 364 Blair Poole Lane for an easement for utility purposes in favour of lands at 179 Lee Trail Lane, owned by Griff Jones, be approved subject to the following conditions:

That, the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.

That, the applicant pays any outstanding fees to the Township prior to final approval of the severance.

That, two (2) copies of an acceptable reference plan (or legal description) and transfer document be submitted to the Township for the severance, both hard copy and electronically.”

ADOPTED

vi) **Report #PD-2022-13 – Follow-Up to ROMA Delegation with Minister of Energy Community Net Metering to Support Community-Based Energy Systems in Rural Areas.**

RESOLUTION #C-2022-03-08

MOVED BY: Rob Rainer

SECONDED BY: RoxAnne Darling

“**THAT**, the Council of the Corporation of Tay Valley Township request the Province to:

- i) amend the Ontario Regulation for Net Metering to allow demonstration of community net metering projects with multiple account holders so that smaller and remote communities can participate in small scale & distributed generation of electricity;
- ii) provide access through community net metering for residents in Tay Valley Township and other rural communities who cannot sell power back to the Hydro One electrical grid due to Hydro’s infrastructure deficiencies; and

- iii) permit both commercial and non-profit entities to operate generation or storage and play a lead role in forming net metering community groups.”

ADOPTED

vii) **Report #PD-2022-14 – One-Foot Reserve Along a Township Road.**

The Planner reviewed Report #PD-2022-15 – Guideline for One-Foot Reserve Along a Township Road – *attached, page 15.*

After discussion, Council was not prepared to adopt the guideline at this time and would like to see it in the form of a policy that will be adopted by By-Law with the addition of a section for communications. The Policy will be reviewed at the next meeting to review the Official Plan update.

RESOLUTION #C-2022-03-09

MOVED BY: RoxAnne Darling

SECONDED BY: Barrie Crampton

“**THAT**, a One-foot Reserve Guideline for previously unopened road allowances that are assumed into the Township Road system be approved.”

(SEE RESOLUTION #C-2022-03-10)

RESOLUTION #C-2022-03-10

MOVED BY: Barrie Crampton

SECONDED BY: Rob Rainer

“**THAT**, Resolution #C-2022-03-09 be deferred for further discussion during Councils review of the Red-Line Version of the Official Plan in April 2022.”

ADOPTED

viii) **Report #FIN-2022-01 – 2021 Statement of Remuneration and Expenses.**

RESOLUTION #C-2022-03-11

MOVED BY: Mick Wicklum

SECONDED BY: Fred Dobbie

“**THAT**, Report #FIN-2022-01 - 2021 Statement of Remuneration and Expenses be received as information.”

ADOPTED

ix) **Report #FIN-2022-02 – 2021 Development Charges Statement.**

RESOLUTION #C-2022-03-12

MOVED BY: Fred Dobbie

SECONDED BY: Barrie Crampton

“**THAT**, Report #FIN-2022-02 - 2021 - Development Charges Statement be received as information.”

ADOPTED

- x) **Report #FIN-2022-03 – 2021 Investment Report.**

RESOLUTION #C-2022-03-13

MOVED BY: Barrie Crampton
SECONDED BY: Gene Richardson

“THAT, Report #FIN-2022-03 – 2021 Investment Report be received as information.”

ADOPTED

- xi) **Report #FIN-2022-04 – 2021 Planning Act Financial Reporting for Parkland.**

RESOLUTION #C-2022-03-14

MOVED BY: Gene Richardson
SECONDED BY: Beverley Phillips

“THAT, Report #FIN-2022-04 – 2021 Planning Act Financial Reporting for Parkland be received as information.”

ADOPTED

- xii) **Report #PW-2022-02 – Pavement Markings – Tender Award.**

RESOLUTION #C-2022-03-15

MOVED BY: Beverley Phillips
SECONDED BY: Rob Rainer

“THAT, Lanark County Tender #PW-M-32-2022-22-E2 – Supply and Application of Water Based Traffic Paint for Pavement Markings be awarded to Trillium Pavement Marking in the amount of \$26,342.04 plus H.S.T.;

AND THAT, the Reeve and Clerk be authorized to sign the necessary documentation.”

ADOPTED

- xiii) **Report #PW-2022-03 – Glen Tay Road and Anglican Church Road – Tender Award.**

RESOLUTION #C-2022-03-16

MOVED BY: Rob Rainer
SECONDED BY: RoxAnne Darling

“THAT, Schedule ‘G’, Glen Tay Road and ‘H’, Anglican Church Road, of Lanark County Tender #PW-C-12-2022-22-E0– Micro-surfacing be awarded to Miller Paving Limited;

AND THAT, the Reeve and Clerk be authorized to sign the necessary documentation.”

ADOPTED

- xiv) **Report #PW-2022-04 – Zealand Road Culver Replacement – Tender Award.**

RESOLUTION #C-2022-03-17

MOVED BY: RoxAnne Darling

SECONDED BY: Mick Wicklum

“THAT, Tender #2022-PW-002– Zealand Road Culvert Replacement be cancelled;

AND THAT, staff complete the work in-house.”

ADOPTED

- xv) **Report #PW-2022-05 – Cameron Side Road Rehabilitation – Tender Award.**

RESOLUTION #C-2022-03-18

MOVED BY: Mick Wicklum

SECONDED BY: Fred Dobbie

“THAT, Schedule “B” of Tender #PW-C-01-2022-22-E0 for the Rehabilitation of Cameron Side Road and the replacement of the Bathurst 5th Concession Culvert be awarded to Crains’ Construction Limited in the amount of \$730,926.50 plus H.S.T.;

AND THAT, the Reeve and Clerk be authorized to sign the necessary documentation.”

ADOPTED

- xvi) **Report #PW-2022-06 – Shoulder Gravel Harper Road – Tender Award.**

RESOLUTION #C-2022-03-19

MOVED BY: Fred Dobbie

SECONDED BY: Barrie Crampton

“THAT, Schedule ‘C’ of Lanark County Tender #PW-C-11-2022-22-E0 – Shoulder Gravel be awarded to Arnott Brothers Construction;

AND THAT, the Reeve and Clerk be authorized to sign the necessary documentation.”

ADOPTED

- xvii) **Report #C-2022-07 – Request to Close Portion of Unopened Road Allowance – Pearson.**

RESOLUTION #C-2022-03-20

MOVED BY: Barrie Crampton

SECONDED BY: Gene Richardson

“THAT, Council declares the portion of the unopened road allowance (approximately 800 feet) between Lots 18 & 19, Concession 5, North Burgess, north of Narrows Lock Road, surplus to the Township’s needs;

THAT, Council agrees to proceed with the application to stop up, close and sell the said unopened road allowance as per the Road Closing and Sale Policy and call a Public Meeting;

THAT, the purchase price of \$0.12 per square foot be accepted should the sale be finalized.”

ADOPTED

- xviii) **Report #C-2022-06 – Election – Lane Duck.**

RESOLUTION #C-2022-03-21

MOVED BY: Gene Richardson

SECONDED BY: Beverley Phillips

“THAT, Report #C-2022-06 – Election – Lane Duck, be received for information.”

ADOPTED

Council recessed at 6:42 p.m.

Council returned to session at 6:46 p.m.

- xix) **Report #CBO-2022-03– Building Department Report – January – February 2022.**

RESOLUTION #C-2022-03-22

MOVED BY: Beverley Phillips

SECONDED BY: Rob Rainer

“THAT, Report #CBO-2022-03 – Building Department Report – January - February 2022 be received as information.”

ADOPTED

- xx) **22-02-23 – Council Communication Package.**

RESOLUTION #C-2022-03-23

MOVED BY: Rob Rainer

SECONDED BY: RoxAnne Darling

“THAT, the 22-02-23 Council Communication Package be received for information.”

ADOPTED

- xxi) **Funding Support for Infrastructure Projects – Bridge/Culvert Replacements in Rural Municipalities.**

RESOLUTION #C-2022-03-24

MOVED BY: RoxAnne Darling

SECONDED BY: Mick Wicklum

“THAT, the Council of the Corporation of Tay Valley Township requests the Federal and Provincial Government to provide more funding to rural municipalities to support infrastructure projects related to major bridge and culvert replacements, as well as major road projects;

AND THAT, this resolution be forwarded to the Premier of Ontario, Provincial Minister of Finance, Federal Minister of Finance and AMO.”

ADOPTED

- xxii) **AMO: Call to Re-Examine Hospital Capital Funding.**

RESOLUTION #C-2022-03-25

MOVED BY: Mick Wicklum

SECONDED BY: Fred Dobbie

“WHEREAS, healthcare funding is a provincial and federal responsibility;

AND WHEREAS, from 2009 to 2020 a total of \$415.4 million has been transferred from municipal operations to fund and build provincial hospitals:

AND WHEREAS, remaining long-term commitments to hospitals stand at \$117.5 million (as of 2020), which will also be financed from municipal operations;

AND WHEREAS, a hospital is one of many public services that contributes to healthy communities;

AND WHEREAS, municipal contributions to provincial hospitals takes away from the resources available for other municipal services that contribute to the health and well-being of residents;

AND WHEREAS, a community's total contribution to local hospitals also includes the donations made by benevolent individuals, groups, and businesses along with municipal contributions;

AND WHEREAS, a community's required local share is to pay 10% of capital construction costs and 100% of the cost of equipment, furniture, and fixtures, which includes medical equipment with big ticket prices: MRI machines, CT scanners, and x-ray machines;

AND WHEREAS, this translates to a 70% provincial share and 30% local share (individuals, groups, businesses, and municipalities) of the overall cost of provincial hospital operations and capital projects;

AND WHEREAS, the adoption of the "design-build-finance" hospital construction model (also known as alternative financing and procurement or P3 projects), has increased local share amounts because they now include the costs of long-term financing;

AND WHEREAS, equipment replacement needs are increasingly frequent and increasingly expensive with average equipment lifespan of just ten years;

AND WHEREAS, the Association of Municipalities of Ontario has highlighted the "local share" of hospital capital contributions as a major issue in its 2022 Pre-Budget Submission to the Standing Committee on Finance and Economic Affairs;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Tay Valley Township does hereby call for a provincial re-examination of the "local share" hospital capital calculation methodology, to better reflect the limited fiscal capacity of municipalities, and the contributions to health care services they already provide to a community;

NOW THEREFORE BE IT FURTHER RESOLVED THAT, a copy of this resolution be hereby circulated to the Minister of Finance, the Minister of Health, the Minister of Municipal Affairs and Housing, and the Association of Municipalities of Ontario."

ADOPTED

8. BY-LAWS

i) By-Law No. 2022-004 - Speeding Complaint Policy.

RESOLUTION #C-2022-03-26

MOVED BY: Fred Dobbie

SECONDED BY: Barrie Crampton

“**THAT**, By-Law No. 2022-004, being a by-law to adopt a Speeding Complaint Policy, be read a first, second and third time short and passed and signed by the Reeve and Clerk.”

(SEE RECORDED VOTE)

Councillor Mick Wicklum called a recorded vote on Resolution #C-2022-03-26:

For:	Reeve Brian Campbell	1
	Deputy Reeve Barrie Crampton	1
	Councillor RoxAnne Darling	1
	Councillor Fred Dobbie	1
	Councillor Beverley Philips	1
	Councillor Rob Rainer	1
	Councillor Gene Richardson	1
		<u>7</u>
Against:		
	Councillor Mick Wicklum	1
		<u>1</u>
Absent:		0
Total:		8

ADOPTED

10. NEW/OTHER BUSINESS

None.

11. CALENDARING

Meeting	Date	Time	Location
Rideau Valley Conservation Authority Board Meeting	March 24 th	6:30 p.m.	Virtual
Committee of Adjustment Hearing	March 28 th	5:00 p.m.	Virtual
Green Energy and Climate Change Working Group Meeting	April 8 th	10:00 a.m.	Virtual
Public Meeting Zoning By-Law Amendment	April 12 th	5:30 p.m.	Municipal Office

Committee of the Whole Meeting	April 12 th	Following	Municipal Office
Committee of Adjustment Hearing	April 25 th	5:00 p.m.	Municipal Office
Council Meeting	April 26 th	5:30 p.m.	Municipal Office

12. CLOSED SESSIONS

None.

13. CONFIRMATION BY-LAW

- i) **By-Law No. 2022-005 - Confirmation By-Law – March 22nd, 2022.**

RESOLUTION #C-2022-03-27

MOVED BY: Barrie Crampton

SECONDED BY: Gene Richardson

“**THAT**, By-Law No. 2022-005, being a by-law to confirm the proceedings of the Council meeting held on March 22nd, 2022, be read a first, second and third time short and passed and signed by the Reeve and Clerk.”

ADOPTED

14. ADJOURNMENT

Council adjourned at 6:58 p.m.


Brian Campbell, Reeve


Janie Laidlaw, Deputy Clerk

MOTIONS

COUNCIL
March 22nd, 2022

Report #PD-2022-15
Noelle Reeve, Planner

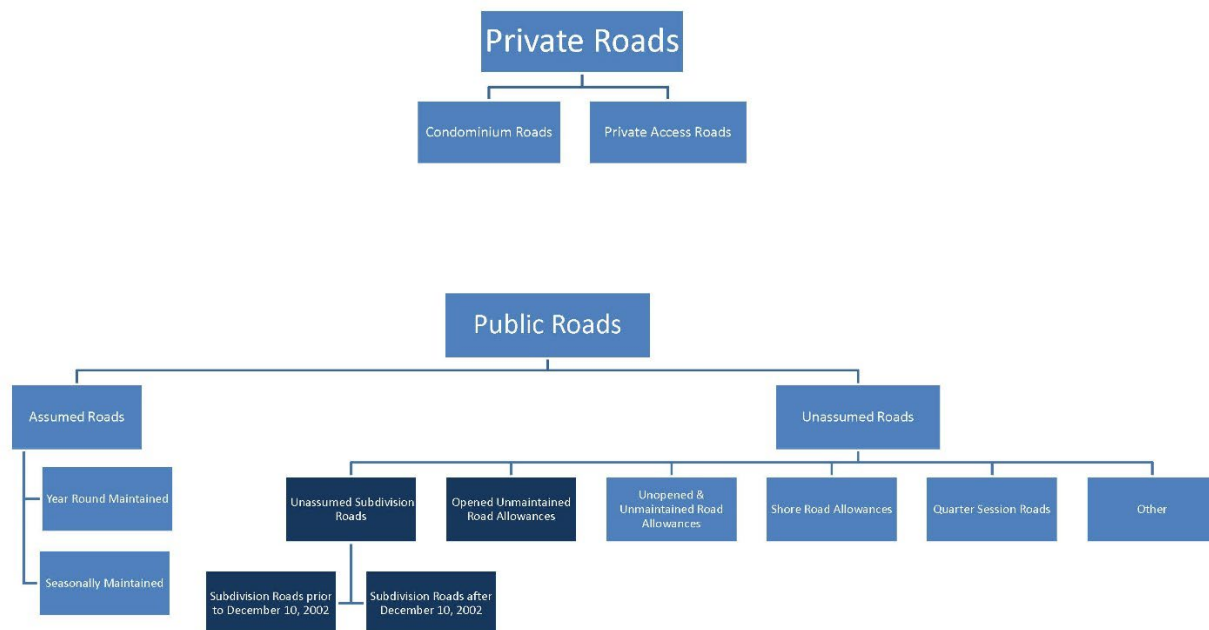
GUIDELINE FOR A ONE-FOOT RESERVE ALONG A TOWNSHIP ROAD

STAFF RECOMMENDATION(S)

“THAT, a One-foot Reserve Guideline for previously unopened road allowances that are assumed into the Township road system be approved.”

BACKGROUND

The Township currently is working on four files regarding the opening of portions of unopened road allowances. Unopened road allowances should not be confused with Township owned private unassumed roads, which are mainly located in subdivisions.



Dark Blue = Private Unassumed Roads

With the increased demand to open sections of unopened road allowances, a guideline governing access by property owners along the newly opened Township Road is required.

The purpose of such a guideline is to ensure that adjacent property owners who may benefit from the newly opened road (or the extension of the road) also contribute to the cost of building the road. In other words, that the initial developer does not subsidize the costs of development for those who benefit later.

After the Committee of the Whole (COW) Meeting March 8th, Councillors were requested to send questions to the Acting CAO/Clerk for a follow up discussion at the March 22nd Council meeting. Councillors Darling, Dobbie and Rainer provided questions to staff which are answered below. Answers are also provided to the questions that were captured in the minutes from the COW meeting.

DISCUSSION

Communication

In future, when a request comes forward for the building of a portion of an unopened road allowance, a cost benefit analysis will be undertaken, and a report presented to Council (as has been discussed during the Official Plan Update). If the proposal passes the cost benefit analysis, meaning it will not be subsidized by the general taxpayer, and is approved by Council to move forward, then it is at this point that all affected property owners will be notified of the proposed road assumption and the one-foot reserve guideline and how it will impact them. The affected property owners will then have the opportunity to ask questions and seek clarification.

A second formal opportunity to communicate with affected property owners will come again once Council has approved the development of an unopened road allowance, and is outlined under the Financial Process below.

Quality Control

Questions about ensuring quality control were raised e.g., would the roadbed be free of stumps or other intrusions that could cause sagging of the road after the Township assumed the road. The quality control and cost control checks and balances are the same as for any other Township infrastructure project.

An Engineer that is hired by the developer, takes responsibility for the survey, design of the work, and contract administration of the implementation of the design. The Public Works Manager undertakes milestone inspections (e.g., at the stage of clearing, application of the sub-base, etc.) as is the case for other road and bridge projects undertaken by the Township.

In all of the four current files, the property owners had to enter into an agreement with the Township that lays out responsibilities and requirements, including but not limited to who is responsible for the costs of the project, survey requirements, road construction standard, engineering requirements, permit requirements, insurance requirements, etc.

Should the guideline be approved, the above noted agreement will include the necessary wording. A sample is included with the proposed guideline (attached).

Environmental Impact of the Road

Specific to one application, questions about the environmental impact of the road were raised, specifically was an Environmental Impact Study undertaken. A local engineering firm did undertake an Environmental Impact Study.

The Rideau Valley Conservation Authority was also consulted and determined that no permit was required on their end.

All agreements for building a road on an unopened road allowance require the necessary studies and permits to be undertaken by the developer.

Benefit to Adjacent Landowners

If the portion of the unopened road allowance was not developed, then the landowners along that portion of the unopened road allowance would have landlocked properties. They could not obtain an entrance permit, a civic address or sever or develop the property.

By one of the property owners building the road and it being assumed into the Township's road system there is an immediate benefit to the other properties along the newly built road. The value of their property increases as they will now have frontage on an improved street.

The proposed guideline has a sunset clause where the agreement for cost sharing expires after ten (10) years. So, a property owner could choose to not do anything with their land until after the expiry of the agreement.

Example of Cost Calculation

In order for Council to have a better understanding of how the cost recovery formula would work, staff have prepared the following example calculations based on the formula proposed by the consultant, from researching other municipalities.

Total Road Cost / Total Road Length (m) = cost/m of road

Cost/m of Road X 0.5 = Cost/m for one side of road

Frontage (m) of Benefiting Property X Cost/m for One Side of Road = Benefiting Property's Fair Share of Road Costs

As an example, the extension of the North Burgess 8th Concession (NB8C) will be approximately 610m. Considering survey, engineering, clearing and preliminary road base, exploration totals \$200,000 to date prior to the final road base and grading, staff used a figure of \$300,000 for the total cost. Therefore, the cost per meter of road equals \$492/m.

If the property at 340 NB8C wished to do a 1 ha severance, they would need a minimum of 60m road frontage for the severed lot and a minimum of 60m for the retained parcel for a minimum total cost to lift the one-foot reserve of 120m x \$492 = \$59,040 divided by two (2) because they would only pay for lifting the one-foot reserve along the north half of the road. Therefore, their cost would be \$29,520. In today's market 1 ha vacant rural lots not on water are selling for anywhere between \$80,000 and \$150,000.

If the property at 340 MN8C wished to create three severed lots plus one retained, a minimum 240m of road frontage would be required. Therefore, the minimum cost would be \$118,080 divided by two (2) = \$59,040 (north side one foot reserve only). Three 1 ha lots could sell for between \$240,000 and \$450,000.

To be clear, adjacent landowners would only contribute to the cost of the road if they benefitted from its construction. For example, if a landowner was able to create severances along the newly created road (as in the examples above) or was able to receive a building permit on an existing lot that had previously been land locked, then they ought to contribute to the creation of the road. The property owners that brought the road up to standard for assumption should not have to subsidize the other benefiting landowners. This is a similar set up to how Hydro works.

Financial Process

- Developer pays up front
- Developer submits receipt (costs) to the Township
- Township undertakes calculation once final costs are known
- The cost breakdown is communicated to affected property owners, and noted in property file
- When asked to lift the 1-Foot Reserve then payment is required immediately from the benefiting property owner to the Township, and the developer is then paid that portion. The Township does not hold onto the money.

Additional Questions

Ownership of 1-Foot Reserve – The Township will own the 1-foot reserve.

Who has the right to the trees that are cut for the new road? – The developer.

OPTIONS CONSIDERED

Option #1 – (recommended) Adopt the proposed guideline so that the Township ensures the cost of development is spread appropriately among those who benefit from development and not subsidized by the original developer.

Option #2 – Do nothing – this is not recommended because the cost of growth should be shared by those who benefit from the growth.

STRATEGIC PLAN LINK

Infrastructure: Our roads, trails, bridges, buildings, landfills and communications systems are efficient and well-maintained.

Guiding Principles: We manage our assets and infrastructure effectively and efficiently and have plans in place to maintain and replace them.

CLIMATE CONSIDERATIONS

As part of Council's growth management planning, requests for the Township to assume a portion of an unopened road allowance into its road network should be vetted from the perspective of clustering development close to settlement areas, rather than encouraging sprawl.

FINANCIAL CONSIDERATIONS

None at this time.

CONCLUSIONS

Council should adopt the proposed One-Foot Reserve Guideline for previously unopened road allowances that are assumed into the Township road system to ensure that growth pays for growth. If a landowner adjacent to an unopened road allowance will benefit from the construction of a new Township road along that road allowance (either through creation of lots, permission to build or an entrance permit), then that land owner should contribute to the cost of creating the road. As is the case with Hydro One infrastructure installation, the first developer does not subsidize subsequent beneficiaries of a Hydro line.

ATTACHMENTS

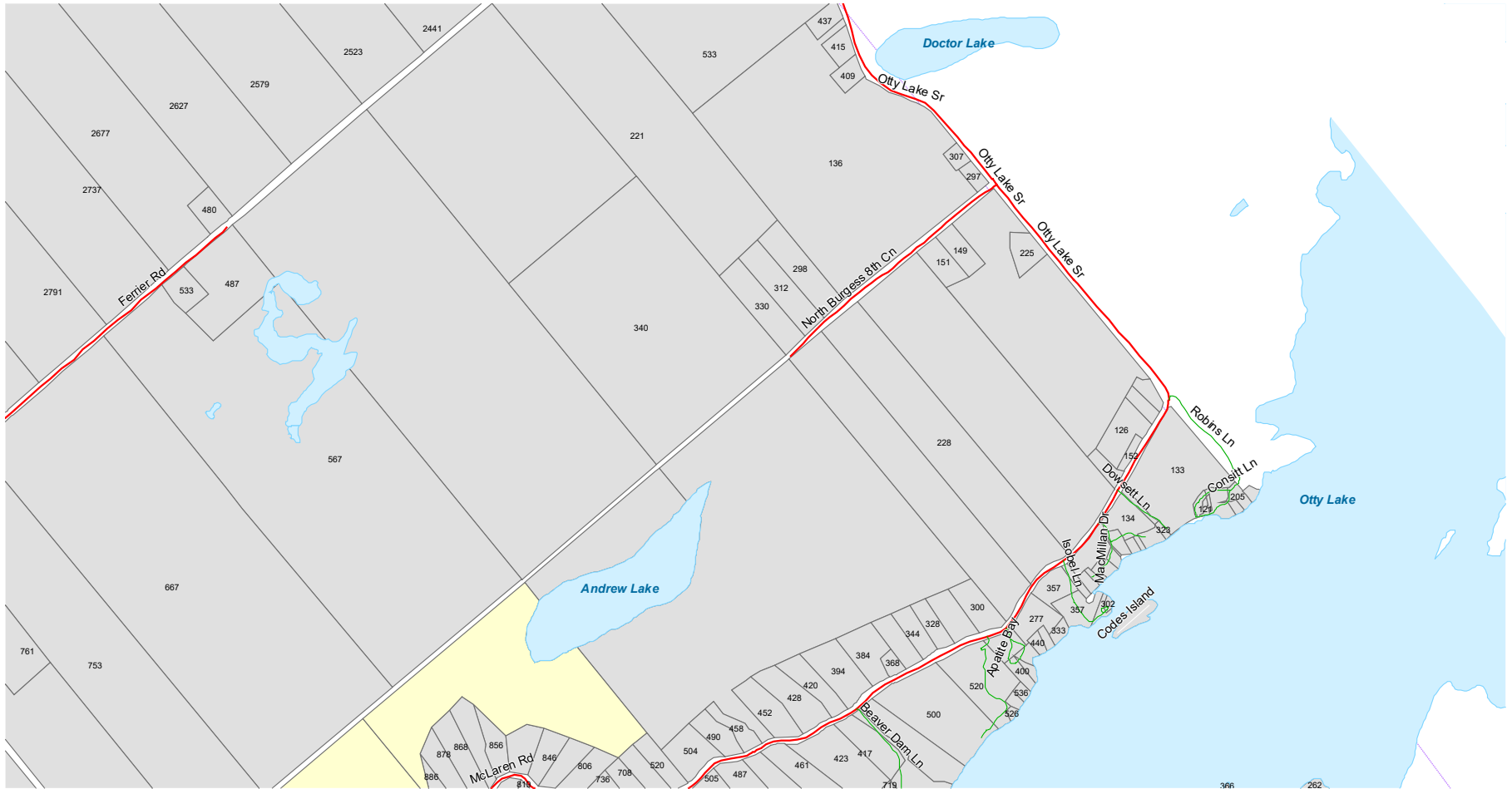
1. GIS Map
2. DRAFT Guideline – One Foot Reserves and Cost Sharing Agreements

Prepared and Submitted By:

Approved for Submission By:

**Noelle Reeve,
Planner**

**Amanda Mabo,
Acting Chief Administrative Officer/Clerk**



Tay Valley Township Guide: 0.3 m Reserves and Cost Sharing Agreements

Tay Valley Township

Prepared for

Tay Valley Township



217 Harper Road,
Perth, Ontario, K7H 3C6

Prepared by



Jp2g Consultants Inc.

12 International Drive, Pembroke, Ontario, K8A 6W5

T.613.735.2507 F.613.735.4513

Jp2g Project No. 21-7016B

March 3, 2022

Contents	
<u>1.0 Purpose</u>	3
<u>2.0 Background</u>	3
<u>3.0 Benefiting Properties</u>	3
<u>4.0 0.3 M Reserve</u>	3
<u>5.0 Establishment of a 0.3 m Reserve & Cost Sharing Agreement</u>	4
<u>6.0 Lifting 0.3 m Reserve</u>	4
<u>7.0 Fair Share of Costs</u>	5
<u>8.0 Limitations of 0.3 m Reserve</u>	5
<u>Appendix A – Sample By-law to establish 0.3 m Reserve</u>	6
<u>Appendix B – Sample By-law to lift a 0.3 m Reserve</u>	7
<u>Appendix C – Sample Development & Cost Sharing Agreement</u>	8

1.0 Purpose

The intent of this document is to establish a guide for the use of 0.3 m reserves and cost sharing agreements between developers, the Township and benefiting private property owners.

2.0 Background

The Township is being requested to consider the opening up of unopened road allowances to facilitate the private development of abutting lands to proceed in accordance with the policies of the Official Plan which require new development to have frontage on an opened or maintained road.

The costs associated with opening up an unopened road allowance are 100% the responsibility of the private developer wishing to do the work. The road work must be carried out in accordance with Township standards. It is understood that when the road is brought up to municipal standards it will be assumed into the municipal road system and the Township will assume responsibility for the operation and maintenance of the road.

3.0 Benefiting Properties

In order for new development to proceed, it is often a requirement that certain public works, internal or external to the development, be constructed. Typically, in TVT this public works may include construction of roads, truck turnarounds, culverts, ditches, intersections & traffic control, and stormwater management.

Where an unopened road allowance is opened up, the individual who paid for the road works typically wants to ensure that other benefiting properties pay their fair share of the road construction costs. The primary tools available to the Township to ensure that benefiting properties pay their fair share of road costs, include 0.3 m (1 foot) reserves and cost sharing development agreements.

In such cases, the 0.3 m reserve and cost sharing agreements work in tandem to help establish obligations to reimburse the developer's costs in financing the construction and to establish the developer's obligation for construction. Council approval of the construction and the reimbursement strategy are to be detailed in the cost sharing development agreement and must be obtained prior to the commencement of construction.

4.0 0.3 M Reserve

Under Section 35 of the Municipal Act, "a municipality may pass by-laws removing or restricting the common law right of passage by the public over a highway and the common law right of access to the highway by an owner of land abutting a highway." This represents the legislative authority provided to municipalities to allow for the use of 0.3 m reserves.

In situations where a new public street is established and lies along and adjacent to other benefiting private lands, a 0.3 metre (one-foot) wide reserve can be established within the street right-of-way to form a buffer strip, dedicated to the public, between the public street right-of-way and the adjacent benefiting lands. The 0.3 m reserve effectively prevents access and new driveways onto the public street from the adjacent benefiting properties unless certain terms and conditions are satisfied. These include the Township approval of the development proposal for the benefiting lands and the terms of the cost sharing agreement

with the original developer being implemented, including the payment of road related development costs.

5.0 Establishment of a 0.3 m Reserve & Cost Sharing Agreement

When a private property owner opens up and builds a road on the unopened municipal road allowance, they are typically responsible for 100% of the cost associated with the road construction. In many situations there may be other properties which could benefit from the road construction. In essence, the new road will provide other benefiting properties with development potential that they would not have realized had the road not be constructed.

The surveying and establishment of the 0.3 m Reserve and execution of the Development Cost Sharing Agreement should be put in place prior to the commencement of the project to ensure that the additional benefiting properties pay their fair share of road development costs. All costs associated with establishing the 0.3 m Reserve shall be borne by the developer (proponent).

The Developer is responsible for obtaining approval from the Township of road construction and the surveying of the 0.3 m reserve. The Township Council is responsible for passing the necessary by-law to establish the 0.3 m reserve and authorize the Reeve and Clerk to execute the Development Cost Sharing Agreement.

The Development Cost Sharing Agreement typically includes terms of the amount of payment required, when and how funds will be collected, and how and to whom the collected funds will be transferred to (i.e. original road builder). The agreements may also have a “sunset clause” which details the time period during which the Township will make best efforts to collect funds and transfer them to the road builder. It is typical for such sunset clauses to be for 10 years, although shorter and longer terms can be negotiated.

6.0 Lifting 0.3 m Reserve

The Development Cost Sharing Agreement will detail the terms and conditions of the lifting of the 0.3 m reserve to allow for benefiting properties to be developed. Typically, this involves the payment of a predetermined fee by benefiting properties for their fair share of the new road construction costs.

Any benefiting property owner who wishes to develop their property will be required to request the lifting of the 0.3 m reserve. The lifting of the 0.3 m reserve triggers the provisions of the cost sharing agreement and the conditions associated with payment of the fair share of capital costs associated with the new road construction. Payment of required funds by benefiting properties will be a condition of the removal of the 0.3 m reserve.

The removal of the 0.3 m reserve requires the preparation of a new survey by an OLS, identifying the portion of the 0.3 m reserve to be removed (i.e. new proposed driveway), assuming the majority of the 0.3 reserve is to remain in place. It will be the responsibility of the benefiting property owner to undertake the new survey.

Once the benefiting property has paid their fair share of road related costs and have provided a registered copy of the survey identifying the lands to be removed from the 0.3 m reserve, the Township may consider the request to lift the 0.3 m reserve. Legal opinion should be pursued to determine if the lifting of the 0.3 m reserve can be delegated to staff.

7.0 Fair Share of Costs

The cost sharing agreement will typically contain a formula for sharing costs associated with road construction. This formula is typically on a frontage basis with a determination of the cost per metre of frontage of benefiting lands exposed to the new road. It is understood that the road will likely have two sides abutting benefiting lands, and therefore, each side of the road will have a 0.3 m reserve and be responsible for 50% of the costs of the road along the relevant road length.

$$\text{Total Road Cost} / \text{Total Road Length (m)} = \text{cost/m of road}$$

$$\text{Cost/m of Road} \times 0.5 = \text{Cost/m for one side of road}$$

$$\text{Frontage (m) of Benefiting Property} \times \text{Cost/m for One Side of Road} = \text{Benefiting Property's Fair Share of Road Costs}$$

8.0 Limitations of 0.3 m Reserve

It must be understood that despite Section 35 of the Municipal Act, the Township should not use 0.3 m reserves to landlock property or to block existing access to private lands gained from unopened road allowances. For example, if someone accesses their property for recreation or resource management purposes via an unopened road allowance prior to the new road construction, the 0.3 m reserve should not restrict them from continuing to gain access to their property for those purposes within reason. However, should the owner wish to construct a dwelling on a previously vacant land or to create new building lots, the 0.3 m reserve will restrict these activities from taking place unless payment through the cost sharing agreement is carried out.

Appendix A – Sample By-Law to establish 0.3 m Reserve
CORPORATION OF THE TOWNSHIP OF TAY
VALLEY BY-LAW NO. _____

Being a By-law to Establish a 0.3 m Reserve as Part of a
Public Highway

WHEREAS Section 35 of the Municipal Act, R.S.O. 2001 provides Council with the authority to restrict common law right of passage;

AND WHEREAS the Council of the Corporation of the Township of Tay Valley entered into Development Cost Sharing with respect to the construction of a road on lands described as _____; and

WHEREAS Council wishes to establish a 0.3 m reserves in order to limit the access to future developable lands until such time a fair share of road construction costs have been paid to the Developer; and

NOW THEREFORE the Council of the Corporation of the Township of Tay Valley hereby enacts as follows:

1. The 0.3 m reserve on lands described as Part(s) _____, Plan _____ be established as a portion of the public highway known as _____ in accordance with Section 35 of the Municipal Act, R.S.O. 2001.
2. The 0.3 m reserve described above shall be assumed for maintenance purposes in accordance with Section 35 of the Municipal Act, R.S.O., 2001.
3. That Council will only consider lifting the 0.3 m reserve for benefiting properties when they have entered into agreement to pay their fair share of road construction costs.
4. This by-law shall come into force and take effect immediately upon the passage thereof.

Read a first and second time this _____ day of _____, _____.

Read a third time and finally passed this _____ day of _____, ____.

Clerk

Reeve

Appendix B – Sample By-Law to lift a 0.3 m Reserve

CORPORATION OF THE TOWNSHIP OF TAY
VALLEY BY-LAW NO. _____

Being a By-law to lift a 0.3 m Reserve & Dedicate Lands
as Public Highway.

WHEREAS the Council of the Corporation of the Township of Tay Valley has entered into Development Cost Sharing with the “developer” with respect to the construction of a road on lands described as _____; and

WHEREAS a 0.3 m reserves was created in order to limit the access to the new road to benefiting properties, until such time a fair share of road construction costs have been paid to the Developer; and

WHEREAS Council of the Corporation of the Township of Tay Valley has enter into agreement with benefiting property owner for the development of lands beyond the previously created one-foot reserves; and

WHEREAS the Corporation of the Township of Tay Valley is desirous of lifting a portion of the 0.3 mreserves described as _____, as well as to dedicate these parcels of land aspublic highway in order to provide unencumbered access to the benefiting property.

NOW THEREFORE the Council of the Corporation of the Township of Tay Valleyenacts as follows:

1. That the 0.3 m reserve, described as Part _____, Plan _____ be lifted and be designated as public highway under Section 31(1) of Municipal Act, 2001, and be named _____
2. That the Reeve and Clerk are hereby empowered to do and execute all things, papers and documents necessary to the execution of this by-law.
3. That this By-law shall come into force and take effect immediately upon thepassage thereof.

Read a first and second time this _____ day of _____, _____.

Read a third time and finally passed this _____ day of _____, ____.

Clerk

Reeve

DEVELOPMENT & COST SHARING AGREEMENT

THIS AGREEMENT made in triplicate this day of , 2022

BETWEEN:

Herein called the "Owner" **OF THE FIRST PART**

AND: The Corporation of Tay Valley Township,

Herein called the "Township" **OF THE SECOND PART**

WHEREAS, the Owner for the purpose of obtaining an entrance permit and a building permit must have sufficient frontage on an improved street;

AND WHEREAS, the Owner has applied to the Township to bring a portion of the unopened road allowance between Concessions ____ and ____, Lot ____ and ____, geographic Township of _____, a distance of approximately _____ feet from the end of _____ up to a Private Road Construction Standard as outlined in Schedule "B", attached hereto, in order that the Township assumes the portion of the unopened road allowance as described in Schedule "A", attached hereto, and incorporate it as part of the Township road system in order that the Owner has sufficient frontage on an improved street;

AND WHEREAS, the Owner is desirous to entering into an Agreement with the Township for registration on title to the Owner's lands, more particularly described as

_____, TAY VALLEY TOWNSHIP;
PIN _____, and the Township is entitled to enforce the provisions of it against the
owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent
owners of the land;

AND WHEREAS, The Corporation of Tay Valley Township has passed Resolution #_____granting the Reeve and Clerk the authority to sign this Development Agreement;

AND WHEREAS, Section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides the municipality with the powers of a natural person and the authority to govern their affairs as they consider appropriate;

NOW THEREFORE THIS AGREEMENT WITNESSETH, that in condition of the sum of TWO CANADIAN (\$2.00 CAD) DOLLARS paid by the Owner to the Township, the receipt of which is hereby acknowledged and in consideration of the mutual covenants hereinafter expressed, the parties hereto agree as follows:

1. **THAT** the Owner and the Township agree:

- a) **THAT**, the cost associated with the preparation, construction of and bringing the portion of the unopened road allowance up to a Private Road Construction Standard be borne by the Owner.
- b) **THAT**, the Owner shall submit a Two Thousand Canadian Dollar (\$2,000) deposit prior to any work on the project being undertaken to cover such items as, but not limited to the following:
 - a. staff time at a one-time cost of \$_____;
 - b. legal fees (ie. assuming the road, this agreement)
 - c. signage
- c) **THAT**, the Owner reimburse the Township for any amount over and above the deposit. Should the costs borne by the Township be less than the deposit, then the remainder of the funds shall be returned within a reasonable amount of time.
- d) **THAT**, the Owner shall arrange the required survey and provide the draft survey to the Township for review and approval prior to the survey being registered.
- e) **THAT**, the Owner shall construct the portion of the unopened road allowance to be assumed in accordance with the "Private Road Construction Standard", attached hereto as Schedule "B".
- f) **THAT**, the Owner provide the Township engineered design drawings, showing plan & profile details and a typical cross-section identifying the proposed depths of granular material within the road base, as well as construction specifications.
- g) **THAT**, the Owner obtain the necessary permits, as required.
- h) **THAT**, the Owner establishes the physical centerline of the proposed road construction based on the legal boundaries of the above noted unopened road allowance.
- i) **THAT**, the Owner must complete the construction of the proposed road to the satisfaction of the Public Works Manager of the Township prior to the Township assuming the road prior to the issuance of an entrance permit and civic address, and the Township Chief Building Official issuing a building permit for the above noted lot.
- j) **THAT**, the Owner provide adequate liability coverage as required by the Townships' insurer:

Commercial General Liability Insurance issued on an occurrence basis for an amount of not less than \$5 million per occurrence/\$5 million annual aggregate for any negligent acts or omissions relating to the obligations under agreement. Such insurance shall include, but is not limited to, bodily injury and property damage including loss of use; personal injury; contractual liability; premises, property &

operations; non-owned automobile; broad-form property damage; owners & contractors protective; occurrence property damage; products; broad form completed operations; employees as Additional Insured(s); contingent employers liability; cross liability and severability of interest clause.

If applicable, the Commercial General Liability Insurance policy shall not contain any exclusions of liability for damage, etc. to properties, buildings, or land arising from:

- a. removal or weakening of support of any property, building, or land, whether such support is natural or otherwise;
- b. use of explosives for blasting;
- c. vibration from pile driving, or caisson work, if minimum coverage for any such loss or damage is \$5 million.

Such insurance shall add the Tay Valley Township as an additional Insured. This insurance shall be non-contributing with and apply as primary and not as excess of any insurance available to the Township.

Automobile Liability Insurance with respect to owned or leased vehicles used directly or indirectly in the performance of the Services covering liability for bodily injury, death, and damage to property, with a limit of not less than \$5 million inclusive for each and every loss.

Professional Liability (Errors and Omissions) Insurance coverage shall be obtained to a limit of not less than \$2 million for any Professional Services with regards to the project. If such insurance is written on a claim-made basis, the policy shall contain a twenty-four (24)-month extended reporting period or shall be maintained for a period of two (2) years subsequent to conclusion of Services provided under this Agreement. (This could apply to engineers, surveyors, etc)

Environmental Impairment Liability with a limit of not less than \$2,000,000. Per Incident /Annual Aggregate. Coverage shall include Third Party Bodily Injury and Property Damage including restoration clause. If such insurance is issued on a claims made basis, coverage shall contain a 24 month extended reporting period or be maintained for a period of two years subsequent to conclusion of services provided under this Agreement.

WSIB or Equivalent

The contractors shall provide evidence of WSIB or its equivalent.

Other

Any and all deductibles applicable to the above-noted insurance policies shall be the sole responsibility of the Named Insured, and the Township shall bear no cost towards such deductibles.

All parties are responsible to effect physical damage on their assets/equipment—failure to do so will not impose any liability on the Township.

The Owner shall provide the Township with a certificate of insurance evidencing coverage as noted above. Such policies shall not be cancelled, changed or lapsed unless the Insurer notifies the Township in writing at least thirty (30) days prior to the effective date of such cancellation, material change or lapse. The insurance policy will be in a form and with a company licensed to write business in the Province of Ontario and which are, in all respects, acceptable to the Township.

The Township reserves the right to assess exposures and add additional insurance requirements were deemed necessary.

Indemnification

The Owner shall indemnify and save harmless the Tay Valley Township, their elected officials, officers, employees, and agents from and against any and all claims, actions, losses, expenses, fines, costs (including legal costs), interest, or damages of every nature and kind whatsoever, including, but not limited to, bodily injury or damage to or destruction of tangible property including loss of revenue arising out of or allegedly attributable to the negligence, acts, errors, omissions, whether willful or otherwise by the Owner, their officers, employees, contractors, sub-contractors, agents, or others to whom the Owner is legally responsible. This indemnity shall be in addition to and not in lieu of any insurance to be provided by the Owner in accordance with this agreement and shall survive this agreement.

- k) **THAT**, the required insurance coverage be received and approved by the Township prior to the commencement of any work.
 - l) **THAT**, notice be provided to the Township in the event the insurance is cancelled.
 - m) **THAT**, the insurance requirements as outlined in item j) and m) above shall also apply to any third party that undertakes work on behalf of the Owner on the said portion of the Unopened Road Allowance.
 - n) **THAT**, the Township shall classify the improved street as a year-round Maintained Road.
 - o) **THAT**, should the Owner require legal services, they shall do so at their own expense.
 - p) **THAT**, the Owner shall complete the project within a reasonable time period.
- NOTWITHSTANDING**, item p), neither party to this Agreement will be liable for any failure of or delay in the performance of this Agreement for the period that such failure or delay is:

- a. beyond the reasonable control of a party;

- b. materially affecting the performance of any of its obligations under this Agreement, and
 - c. not reasonably foreseeable or provided against, but the failing or delaying party will not be excused for failure or delay resulting from only general economic conditions or other general market effects.
 - q) **THAT**, should the Owner wish to abandon the project on the basis of the circumstances in clause q) above, the Owner shall return the unopened road allowance to the state that it was in prior to any work being undertaken that is related to this Agreement, to the satisfaction of the Township.
 - r) **NOTHING**, in this Agreement obligates the Township to undertake additional work on the improved street once the project is complete.
 - s) **NOTHING**, in this Agreement gives the Owner sole use of the improved street or the authority to prevent use by the general public prior to or after completion of the project.
2. Potential **BENEFITING PROPERTY OWNERS** of the Owner's road construction shall be required to pay their fair share of road construction should the benefiting property owner pursue development of their lands in accordance with the following:
- a) Development shall be defined to include the creation of lots, construction of a residential dwelling, establishment of a business or similar activities.
 - b) Existing use of the benefiting properties may continue without road compensation.
 - c) Potential benefiting properties shall be identified in Schedule "C" of this agreement.
 - d) The Cost sharing formula to be applied to benefiting properties is identified in Schedule "C".
 - e) In determining total cost of road construction to be shared by benefiting property owners, the Public Works Manager shall use approved road construction cost estimates provided by the Owner.
 - f) Prior to being authorized to use the road, the benefiting property owner shall be required to pay to the Township their fair share of road costs, provide a survey of the access point of the road (if necessary) and obtain formal approval from the Township.
3. Any **NOTICE** required to be given hereunder to the Township or the Owner shall be in writing and may be delivered personally, by email, or be sent by mail.
4. **NOTICE** shall be given to the Owner at the email address_____ or the address shown on the tax roll for the Owner's land. **NOTICE** shall be given to the

THE CORPORATION OF TAY VALLEY TOWNSHIP

Reeve
(I have authority to bind the Corporation)

Clerk
(I have authority to bind the Corporation)

SCHEDULE "A"

Development Agreement

(Owner)

Description of the Owner's Lands

--

Description of the Unopened Road Allowance

--

SCHEDULE “B”

Private Road Construction Standards

Minimum Width of right of way	20.0 m (66 ft.)
Minimum width of clearing	9.0 m (30 ft.)
Surface	a) width - 4.5 m (15 ft.) b) depth - 100 mm (4 in.) c) type – crushed gravel or stone
Shoulder Width	1.0 m (3 ft.) each side (including rounding)
Depth of granular base	As determined after consolidation of sub-grade material
Ditches	Minimum depth from crown of road to bottom of ditch 0.5 m (1.5 ft.). All ditches to be carried to sufficient outlet.
Culverts	CSP, concrete or plastic. Minimum 400 mm (16 in.) diameter, or larger as required.
Geometrics	Such that fire protection equipment can pass safely
Grade (maximum)	12.5%

Ontario Building Code

Fire Department Access Route

The design and construction of fire department access routes involves the consideration of many variables, some of which are specified in the requirements in the Ontario Building Code. All these variables should be considered in relation to the type and size of fire department vehicles available in the municipality or area where the building will be constructed. It is appropriate, therefore, that the local fire department be consulted prior to the design and construction of access routes.

3.2.5.6. Access Route Design

- (1) A portion of a roadway or yard provided as a required access route for fire department use shall:
 - (a) have a clear width not less than 6 m, unless it can be shown that lesser widths are satisfactory,
 - (b) have a centre line radius not less than 12 m,
 - (c) have an overhead clearance not less than 5 m,
 - (d) have a change of gradient not more than 1 in 12.5 over a minimum distance of 15 m,
 - (e) be designed to support the expected loads imposed by firefighting equipment and be surfaced with concrete, asphalt or other material designed to permit accessibility under all climatic conditions,
 - (f) have turnaround facilities for any dead-end portion of the access route more than 90 m long, and
 - (g) be connected with a public thoroughfare.

SCHEDULE “C”

Benefiting Properties

(Suggest Roll Numbers or PINs and Map)

Total Cost of Road

(Based on approved Cost Estimates)

Cost Sharing Formula

Total Road Cost / Total Road Length (m) = cost/m of road

Cost/m of Road X 0.5 = Cost/m for one side of road

Frontage (m) of Benefiting Property X Cost/m for One Side of Road = Benefiting Property's Fair Share of Road Costs