Committee of the Whole
October 25, 2018 – Following Council
Council Chambers, Grey County Administration Building

1. Call to Order
2. Declaration of Pecuniary Interest
3. Delegations
   10:30 AM   Jacinda Rudolph, Outreach Coordinator, Grey County
   New to Grey Update and Moving Forward
4. Determination of Items Requiring Separate Discussion
5. Consent Agenda
   That the following Consent Agenda items be received; and
   That staff be authorized to take the actions necessary to give effect to the recommendations in the staff reports; and
   That the correspondence be supported or received for information as recommended in the consent agenda.
   a. Ministry of Transportation Correspondence dated October 2, 2018
      That the Ministry of Transportation correspondence dated October 2, 2018 regarding the 2018 Association of Municipalities of Ontario Conference delegation be received for information.
   b. Ministry of Agriculture, Food and Rural Affairs Correspondence dated October 5, 2018
      That the Ministry of Agriculture, Food and Rural Affairs correspondence dated October 5, 2018 regarding the 2018 Association of Municipalities of Ontario Conference delegation be received for information.
   c. Association of Municipalities of Ontario Correspondence dated October 11, 2018
      That the Association of Municipalities of Ontario correspondence dated October 11, 2018 regarding the 2017 report on the federal Gas Tax Fund be received for information.
   d. FR-CW-22-18 Quarterly Purchasing Report - Quarter 3 2018
That Report FR-CW-22-18 regarding the quarterly purchasing report for Quarter 3 of 2018 be received for information.

e. TR-CW-46-18 Dufferin Grey Boundary Road Agreement 2018-2023 – Grey Highlands and Southgate

That Report TR-CW-46-18 be received; and

That the Warden and Clerk be authorized to execute the Boundary Road Agreement for Grey Road 9 between the County of Grey and the County of Dufferin and the appropriate By-Law be prepared for Council’s consideration.

f. Active Local Planning Appeals Tribunal List

That the Active Local Planning Appeals Tribunal List be received for information.

6. Items For Direction and Discussion

a. CAOR-CW-20-18 Joint Accessibility Advisory Terms of Reference

That the draft Joint Accessibility Advisory Terms of Reference be received; and

That the draft terms of reference be circulated to all lower tier municipalities along with a letter extending an invitation to participate in the committee beginning in 2019.

b. PSR-CW-08-18 Road Closure and Common Operating Picture (Municipal511 and Responder511)

That report PSR-CW-08-2018 regarding Road Closure and Common Operating Picture (Municipal511 and Responder511) be received; and

That Grey County staff continue to invest in the best solutions to improve information sharing among emergency response organizations and the public; and

That as per Grey County’s Purchasing Policy - Disposal of Surplus Goods 11.2 (c) the decommissioned Getac computers be distributed at no cost to lower tier fire departments to support the use of Municipal511 and Responder511.

c. ITR-CW-05-18 Electronic Document and Record Management System License Renewal

That report ITR-CW-05-18 regarding document management software licensing be received; and

Council acknowledges that a two-year agreement with Appnovation Technologies Inc. Alfresco licensing is required and staff be directed to move forward with this purchase as approved by the Chief Administrative Officer in
and in accordance with Sections 1 and 2 of By-law 5029-18, being the Lame Duck By-law.

d. ITR-CW-06-18 Teranet Data Delivery Agreement

That report ITR-CW-06-18 regarding Teranet data delivery be received; and Council acknowledges that a five-year agreement with Teranet Inc. for parcel, ownership and land information data delivery is required and staff be directed to move forward with this purchase as approved by the Chief Administrative Officer in and in accordance with Sections 1 and 2 of By-law 5029-18, being the Lame Duck By-law.

e. TR-CW-48-18 Capital Purchase Prior to Budget Approval

That Report TR-CW-48-18 be received; and

That staff be authorized to issue the tender for two tandem trucks and two tandem roll-off trucks prior to 2019 budget approval due to delivery time constraints in accordance with Section 3.3 (c) of the Purchasing Procedure which allows the procurement of up to 50% of gross expenditures in year one of the ten year capital forecast.

f. TR-CW-42-18 Minimum Maintenance Standards Update

That Report TR-CW-42-18 regarding updates to the Minimum Maintenance Standards be received; and

That the Maintenance Standards and Transportation Services Protocol be updated in the Grey County Winter Control Operator Hand Book and that a by-law be brought forward for Council’s consideration.

g. Addendum to PDR-CW-14-18 Sunvale Homes Plan of Subdivision Final Report – West Grey

That Addendum to Report PDR-CW-14-18 be received; and

That all written and oral submissions received on plan of subdivision 42T-2018-05 known as Sunvale Homes were considered; the effect of which helped to make an informed recommendation and decision; and

That in consideration of the draft plan of subdivision application 42T-2018-05, for lands described as Part of Divisions 2 and 3 of Lot 24, Concession 1 East of the Garafraxa Road (EGR), (geographic Township of Glenelg) in the Municipality of West Grey, the Grey County Committee of the Whole approves this plan of subdivision with a total of two hundred and forty-two (242) residential units, subject to the conditions set out in the Notice of Decision.

h. PDR-CW-33-18 Saugeen Cedar Heights East Plan of Subdivision Information Report - Hanover
That Report PDR-CW-33-18 regarding an overview of proposed plan of subdivision application 42T-2018-09, consisting of ninety-eight (98) residential units on lands described as Part of Lots 11, 12, 13, and 14, Concession 1 NDR, Town of Hanover, geographic Township of Bentinck, be received for information.

i. PDR-CW-35-18 White Rose Subdivision Information Report - Southgate

That Report PDR-CW-35-18 regarding an overview of proposed plan of subdivision application 42T-2018-08, consisting of seventy-three (73) single detached lots, and twenty-eight (28) townhouse units, for a total of one hundred and one (101) units, on lands described as Part Lot 227, Concession 2, SWTSR (geographic Township of Proton) in the Township of Southgate, be received for information.

j. PDR-CW-36-18 Rompsen Camperdown Plan of Subdivision Information Report – The Blue Mountains

That Report PDR-CW-36-18 regarding an overview of proposed plan of subdivision application 42T-2018-06, consisting of thirty-four (34) residential lots on lands described as Part Lot 26, Concession 6, Town of The Blue Mountains, geographic Township of Collingwood, be received for information.

k. PDR-CW-37-18 Lora Bay Phase 4 Plan of Subdivision Information Report – The Blue Mountains

That Report PDR-CW-37-18 regarding an overview of proposed plan of subdivision application 42T-2018-10, consisting of thirty-eight (38) residential lots and a future multi-residential development block on lands described as Block 1 and Part of Block 2, RP 16M-8, Town of The Blue Mountains, be received for information.

7. Closed Meeting

That Committee of the Whole do now go into closed session to discuss:

Labour relations or employee negotiations (CUPE negotiations)

8. Other Business

9. Notice of Motion

10. Adjournment
OCT 02 2018

Mr. Stewart Halliday
Warden
County of Grey
Administration Building
595 9th Avenue East
Owen Sound ON N4K 3E3

Dear Warden Halliday:

It was a pleasure meeting with you and your delegation at the 2018 Association of Municipalities of Ontario Conference. Your delegation came prepared and brought insightful knowledge to the issues facing your residents.

I am excited to be working on a portfolio that impacts the economy and quality of life for Ontarians, and meeting with your delegation was a great opportunity to learn about the breadth of transportation issues facing our municipalities. I was impressed by your passion and commitment to your communities.

Building a world-class transportation network is a key part of our government’s Plan for the People. My office will be in touch with you in the upcoming weeks to schedule a site visit.

Looking forward to seeing you again and working with you.

Sincerely,

Kinga Surma
Parliamentary Assistant
OCT 05 2018

Stewart Halliday
Warden
County of Grey
warden@grey.ca

Dear Warden Halliday:

Thank you and your delegation for meeting with me during the Association of Municipalities of Ontario (AMO) conference. I appreciated the discussion and look forward to working together to address the concerns that were raised by municipalities.

I understand your position regarding increased farm property values and property tax rates, and their impact on municipal revenue. I welcome any feedback that would address your concerns.

My colleague, the Honourable Victor Fedeli, Minister of Finance, has overall responsibility for provincial property taxation matters and the Farm Tax Program. I will pass your concerns on to him.

I look forward to continuing to work with you to strengthen our communities and make things better for the people of Ontario.

Please accept my thanks and best wishes.

Sincerely,

Ernie Hardeman
Minister of Agriculture, Food and Rural Affairs

c: The Honourable Victor Fedeli
Minister of Finance
Dear Stewart,

I'm pleased to announce that AMO's annual report on the federal Gas Tax Fund is now available. I encourage you to share this report with your local Council.

Our communities own and operate much of Ontario's infrastructure; the Fund provides permanent and stable funding to help us build and maintain it. In 2017 alone, we invested $607 million from the Fund to rebuild roads, install energy-efficient upgrades, and more.

The County of Grey has invested $27.0 million in 44 infrastructure and capacity-building projects worth $42.4 million since the federal Gas Tax Fund was established in 2005.

AMO is proud to administer the federal Gas Tax Fund on behalf of Ontario's municipalities. Please feel free to contact AMO's Director of Membership Centre, Brian Rosborough, at 416-971-9856 or brosborough@amo.on.ca if you have any questions about the Fund or this report.

Sincerely,

Jamie McGarvey
AMO President

c. Kim Wingrove, Chief Administrative Officer
c. Kevin Weppler, Director of Finance/Treasurer
Executive Summary

Grey County’s purchasing policy A-FIN-001, as endorsed by County Council on March 4, 2014, gives Directors the authority to award items and services up to $250,000. This policy requires Directors to provide a summary of all purchases between $25,000 and $250,000 on a quarterly basis.

Background and Discussion

The attached chart summarizes all purchases made between $25,000 and $250,000 by Departments between July 1, 2018 and September 30, 2018.

<table>
<thead>
<tr>
<th>Long Term Care</th>
<th>Description</th>
<th># of Bids</th>
<th>Awarded Bid</th>
<th>Approved Amount</th>
<th>Awarded Amount (excl. HST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RFT-LTC-07-18</td>
<td>Tender for slope stabilization at Lee Manor</td>
<td>1</td>
<td>Ground Effects Landscapes</td>
<td>$40,000.00</td>
<td>$48,960.00*</td>
</tr>
</tbody>
</table>

*overage funded from surplus funds within asbestos abatement project savings
<table>
<thead>
<tr>
<th>Housing Contract</th>
<th>Description</th>
<th># of Bids</th>
<th>Awarded Bid</th>
<th>Approved Amount</th>
<th>Awarded Amount (excl. HST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RFT-HOU-04-18</td>
<td>Holstein Water System</td>
<td>1</td>
<td>JTS Mechanical Systems Inc.</td>
<td>$125,000.00</td>
<td>$135,000.00**</td>
</tr>
<tr>
<td>RFT-HOU-09-18</td>
<td>Flooring at Various Housing Locations</td>
<td>1</td>
<td>Adias Impex O/O Carpetplus Flooring</td>
<td>$70,000.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Main Street Apartments in Holstein</td>
<td></td>
<td>17,750.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>157 Nelson Street in Meaford</td>
<td></td>
<td>13,000.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>159 Parker Street in Meaford</td>
<td>**</td>
<td>40,475.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total - $71,225.00**</td>
<td>**</td>
<td></td>
</tr>
<tr>
<td>RFT-HOU-11-18</td>
<td>Balcony Repairs at 650 4th St A E</td>
<td>2</td>
<td>Skyhawk Restoration</td>
<td>$100,000.00</td>
<td>$82,112.00</td>
</tr>
<tr>
<td>RFT-HOU-13-18</td>
<td>Family Units Hanover Roof Replacement</td>
<td>2</td>
<td>Bishop Roofing</td>
<td>$120,000.00</td>
<td>$65,128.00</td>
</tr>
<tr>
<td>RFT-HOU-14-18</td>
<td>Concrete Pads and Dividers at 650 4th St A E Owen Sound, 100 Margaret</td>
<td>3</td>
<td>Freeman the Treeman</td>
<td>$95,000.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Elizabeth, Markdale and 50 McNabb Chatsworth</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>650 4th St A E Owen Sound</td>
<td></td>
<td>$56,528.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>100 Margaret Elizabeth, Markdale</td>
<td></td>
<td>$21,955.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>50 McNabb Chatsworth</td>
<td>**</td>
<td>$22,450.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total - $100,933.00**</td>
<td>**</td>
<td></td>
</tr>
</tbody>
</table>
**All project overages can be funded from the surplus amounts within the balcony repairs project (RFT-HOU-11-18) and the roofing project at Hanover (RFT-HOU-13-18).**

<table>
<thead>
<tr>
<th>Paramedic Services Contract</th>
<th>Description</th>
<th># of Bids</th>
<th>Awarded Bid</th>
<th>Approved Amount</th>
<th>Awarded Amount (excl. HST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RFT-PS-02-18</td>
<td>Purchase of a Chevrolet Silverado</td>
<td>1</td>
<td>Georgian Chevrolet</td>
<td>$70,000.00</td>
<td>$39,000.00*</td>
</tr>
</tbody>
</table>

*remainder of the $70,000 budget to be used for conversion to an PS ERV*

<table>
<thead>
<tr>
<th>Corporate Services Contract</th>
<th>Description</th>
<th># of Bids</th>
<th>Awarded Bid</th>
<th>Approved Amount</th>
<th>Awarded Amount (excl. HST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RFP-CS-01-18</td>
<td>IT Disaster Recovery Services</td>
<td>3</td>
<td>Perry Group Consulting Ltd.</td>
<td>$50,000.00</td>
<td>$39,615.00</td>
</tr>
</tbody>
</table>

Legal and Legislated Requirements

None

Financial and Resource Implications

Relevant Consultation

☒ Internal

☐ External

Appendices and Attachments

None
Committee Report

To: Warden Halliday and Members of Grey County Council

Committee Date: October 25, 2018

Subject / Report No: TR-CW-46-18

Title: Dufferin Grey Boundary Road Agreement 2018-2023

Prepared by: Graham Wilson, Maintenance Manager

Reviewed by: Pat Hoy, Director of Transportation Services

Lower Tier(s) Affected: Municipality of Grey Highlands and Township of Southgate

Status:

Recommendation

1. That Report TR-CW-46-18 be received; and
2. That the Warden and Clerk be authorized to execute the Boundary Road Agreement for Grey Road 9 between the County of Grey and the County of Dufferin and the appropriate By-Law be prepared for Council’s consideration.

Executive Summary

The County of Grey and the County of Dufferin have agreed that it is mutually beneficial that Grey County continue to assume the annual maintenance of the boundary roads between their municipalities with the costs shared equally between the parties.

Background and Discussion

Sections 20, 29, 29.1 and 52 of the Municipal Act allow for agreements between adjoining municipalities for the maintenance and repair of any highway forming a boundary road.

Grey County and Dufferin County historically have entered into a boundary road agreement on the roads between the two Counties known as Grey Road 9 and Grey County has historically completed the maintenance on the boundary road which is 3.2 kilometres in length.

Legal and Legislated Requirements

Grey County liability and risk is minimized by the details contained in Section 7.0 Insurance of the Agreement. Each party at its own expense maintains liability insurance during the term of the agreement.
Financial and Resource Implications

Dufferin County and Grey County shall each be responsible for one half of the total maintenance costs of the Road. The Agreement provides details of the remuneration in the form of a lump sum payment, which is calculated from the previous year’s payment of $9,687.78, plus two percent. An increase of two percent is added annually to this payment for the term of the agreement.

Relevant Consultation

X Internal - Clerks Department, Finance Department
X External - County of Dufferin

Appendices and Attachments

Dufferin Grey Boundary Road Agreement 2018-2023
BOUNDARY ROAD AGREEMENT

THIS AGREEMENT made this _______________ day of ________________________, 2018.

BETWEEN:

THE CORPORATION OF THE COUNTY OF DUFFERIN
Hereinafter referred to as “Dufferin County”

- and -

THE CORPORATION OF THE COUNTY OF GREY
Hereinafter referred to as “Grey County”

WHEREAS Sections 20, 29, 29.1 and 52 of the Municipal Act, 2001, (the “Act”) make provision for agreements between adjoining municipalities for the maintenance and repair of any highway forming the boundary between such municipalities, including the culverts thereon;

AND WHEREAS portions of a highway as particularly described herein comprise a shared boundary road between Dufferin County and Grey County (the “Road”);

AND WHEREAS both parties wish for Grey County to provide year-round oversight, maintenance, and repair on the Road;

AND WHEREAS the parties wish to agree on a manner in which capital upgrades of the Road shall be completed;

AND WHEREAS the parties wish to share the costs equally for both maintenance and capital projects;

NOW, THEREFORE, THIS AGREEMENT WITNESSTH THAT, in consideration of the mutual covenants set out below together with other good and valuable consideration (the receipt of which is acknowledged), the parties agree as follows:

1. Definitions

1.1 “Agreement” means this Agreement and all instruments amending it;

1.2 “Road” means the portion of the highway forming the boundary between Grey County and Dufferin County, described as that portion of the County Boundary Line between the Municipality of Grey Highlands (on the north side) in the County of Grey and the Township of Melancthon (on the south side), in the County of Dufferin, which will be known as Grey Road 9, a total distance of approximately 3.2 kilometres. More specifically, it begins at the easterly limit of lot 230, Concession 9 of Melancthon Township, running easterly to the intersection with the Township of Melancthon 5th Line.

1.3 “Road Maintenance” means all road maintenance budgeted work activities pertaining to the counties’ responsibility in meeting the Minimum Maintenance Standards as set out in Ontario Regulation 239/02 of the Highway Traffic Act. (Programs exercised normally 365 days of the year in order to maintain the right of ways and infrastructure in a “state of repair”).

1.4 “Schedule A” means a map showing the geographical location of the Road, attached hereto.

1.5 “Schedule B” means a document indicating the lump sum payable by Dufferin County in 2019 for the Annual Maintenance Costs of the Road, attached hereto.

1.6 “Winter Maintenance” means all winter-based budgeted work activities pertaining to the counties’ responsibility in meeting the Minimum Maintenance Standards as set out in Ontario Regulation 239/02 of the Highway Traffic Act.

1.7 “Winter Maintenance Season” means the continuous period of time between the fifteenth (15th) day of November and the first (1st) day of April.

2. Term and Termination

2.1 This Agreement shall be effective on the date that it is signed by both parties and shall continue until September 30, 2023 (the “Term”).

2.2 The parties acknowledge that since the previous boundary road agreement expired, which was September 30, 2018, both have continued to act in good faith according to the operating terms
of the previous boundary road agreement as if it had been in effect, pending the execution of this Agreement.

2.3 Either party may terminate this Agreement by providing the other with one hundred and twenty (120) days’ written Notice of its intent to terminate, pursuant to Section 15. However, such Notice may only be provided between April 15 and August 15 of any year throughout the Term of the Agreement.

3. **Obligations of Grey County**

3.1 Grey County shall undertake all Winter Maintenance activities with respect to the Road, including but not limited to the patrolling, plowing and spreading of materials for winter road conditions, during each Winter Maintenance Season throughout the Term of the Agreement.

3.2 In addition to the requirements set out in 3 (a) above, Grey County shall attend to winter events that occur prior to November 15th and after April 1st until winter events have subsided at the end of each season throughout the Term of this Agreement. Both parties acknowledge that the level of service provided outside of the Winter Maintenance Season may be at a lower level than during the Winter Maintenance Season, but that it shall meet the minimum standards set forth in regulations made by the Minister of Transportation as contemplated in section 44(4) of the Act (the "Minimum Maintenance Standards for Municipal Highways") where such standards apply and, in the event that there is no applicable Minimum Maintenance Standard, shall meet the standard of what is reasonable in the circumstances.

3.3 Grey County shall be responsible for all removal of snow beyond the width of the Road and shoulders if required.

3.4 Grey County shall be responsible to provide snow blowing services required within the right of way, if deemed necessary by Grey County.

3.5 Grey County shall undertake all Road Maintenance activities with respect to the Road, including all routine patrolling and maintenance activities throughout the Term of this Agreement.

3.6 The Parties acknowledge that the level of service to be provided by Grey County on the Road may change throughout the Term of the Agreement. Any changes to the level of service shall meet the minimum standards set forth in the Minimum Maintenance Standards for Municipal Highways, Ontario Regulation 239/02 of the Act where such standards apply and, in the event that there is no applicable Minimum Maintenance Standard, shall meet the standard of what is reasonable in the circumstances.

3.7 Grey County shall be responsible for the drainage maintenance of the Road, including the clearing of ditches, curbs and gutters, catch basins, and storm drains.

3.8 Grey County shall be responsible for the surface maintenance of the Road, including the repair of potholes, cracks and depressions.

4. **Reimbursement**

4.1 Dufferin County and Grey County shall each be responsible for one half of the total maintenance costs of the Road.

4.2 On or about December 31, 2018, Grey County will invoice Dufferin County for the lump sum amount for 2018 maintenance costs for the entire period of January 1, 2018 – December 31, 2018. The lump sum amount to be invoiced was previously established within the Boundary Road agreement between the two parties which expired on September 30, 2018. Dufferin County shall provide payment to Grey County no later than 30 days from receipt of such invoice.

4.3 On or about December 31 of each remaining year throughout the Term beginning in 2019, Grey County shall invoice Dufferin County annually for all maintenance intended to be undertaken during that calendar year. Dufferin County shall provide payment to Grey County no later than 30 days from receipt of any such invoice throughout the Term of the Agreement.

4.4 The invoices will be in the form of a lump sum that represents a five year average of the cost to complete the maintenance on the Road. The lump sum amount invoiced shall be equal to the total as indicated in Schedule “B” as attached hereto. The lump sum amount invoiced on December 31, 2019 shall increase by 2 percent per year in each subsequent year of the Agreement.
5. Capital Costs

5.1 Subject to the further terms set out in this section, Dufferin County and Grey County shall each be responsible for one-half of all capital improvements on the Road, including but not limited to items such as road construction, hot mix asphalt resurfacing, and the shoulder graveling associated with this resurfacing, culvert repairs and replacement, and surface treatment.

5.2 Prior to completing any capital improvements Grey County will identify the required work to Dufferin County.

5.3 Except in the case of emergencies, Grey County shall notify Dufferin County two years in advance of any such capital improvement work proposed and the extent and cost of the capital improvement work shall be mutually agreed upon prior to proceeding with the work.

5.4 If Dufferin County and Grey County agree that the work is required, Dufferin County and Grey County will mutually agree how the work will be completed and whether Dufferin County or Grey County will administer the work in each case.

5.5 The party who administers the work as determined in Section 5.5 shall invoice the other party for one half of the capital costs no later than the 31st of December in the year in which the work was undertaken. The invoiced party shall pay the invoice no later than 30 days from receipt of the invoice.

5.6 All capital improvements on the Road including road construction, hot mix asphalt resurfacing, the shoulder graveling associated with this resurfacing, and the mid-life shoulder graveling application shall be apportioned between and paid by both parties on a 50/50 basis.

5.7 Despite Section 5.6, the capital expenditures by either party in any one year within the Term shall not exceed the sum of $10,000 for work under Section 5.7, unless it has been approved pursuant to Section 5.8 below.

5.8 If a party identifies the need for capital expenditures to exceed the sum of $10,000 for such work, it shall first advise the other party prior to the budget being set for the applicable budget year (not later than June 30th), or as soon as the need is identified where the work required is of a more urgent nature. The party making the request shall not proceed with the work without first receiving confirmation in writing from the other party that it has been included in the applicable budget year and has therefore been approved by its Council; or without first receiving the consent of the Council of the other party to the expenditure of any amount in excess of the said sum. If the Council does not provide approval, the party which has identified the need for the work to be completed may elect to proceed with the work without cost-sharing with the other party.

6. Indemnification

6.1 Grey County agrees to defend, indemnify and save and hold harmless Dufferin County from all claims, lawsuits, losses, expenses and costs, or any other liability imposed by statute or common law in any way connected to or in any way arising out of any actual or alleged breach, default or neglect of duty in respect of obligations imposed on Grey County under the terms of this Agreement.

6.2 Dufferin County agrees to defend, indemnify and save and hold harmless Grey County from all claims, lawsuits, losses, expenses and costs, or any other liability imposed by statute or common law in any way connected to or in any way arising out of any actual or alleged breach, default or neglect of duty in respect of obligations imposed on Dufferin County under the terms of this Agreement.

7. Insurance

7.1 Each party shall, at its own expense, obtain and keep in force during the Term of this Agreement, Municipal General Liability insurance satisfactory to the other party, including the following terms and minimum coverage and underwritten by an insurer licensed to conduct business in the Province of Ontario:

   a) Written on an occurrence basis for limits not less than Fifteen Million Dollars ($15,000,000);
   b) Inclusion of the other party as an Additional Insured with respect to the operations of the named insured, and including Cross liability and severability of Interest clauses;
   c) Non-owned automobile coverage including contractual non-owned coverage;
d) Products and completed operation coverage with a limit of at least Fifteen Million Dollars ($15,000,000); and

e) Policies shall not be invalidated as respects the interests of the Additional Insured by reason of any breach or violation on any warranties, representations, declarations or conditions.

7.2 Automobile liability insurance for limits not less than Ten Million Dollars ($10,000,000) on forms meeting statutory requirements covering all licensed vehicles used in any manner in connection with the performance of the terms of this Agreement;

7.3 A thirty day written notice of cancellation, termination or material change.

7.4 Each party shall provide the other party proof of insurance, each year, in the form of an insurance certificate.

7.5 Both parties agree to immediately notify the other party of any occurrence, incident or event which may reasonably be expected to expose either party to material liability of any kind in relation to the Road.

8. Force Majeure

8.1 Neither Grey County nor Dufferin County shall be held responsible for any damage or delays as a result of war, invasions, insurrection, demonstrations, or as a result of decisions by civilian or military authorities, fire, flood, human health emergency, strikes and generally as a result of any event that is beyond the reasonable control of Grey County or Dufferin County.

8.2 Grey County and Dufferin County agree that in the event of a disaster or FORCE MAJEURE the parties will co-operate and Grey County will make all reasonable efforts to provide temporary replacement service until permanent service is completely restored.

9. Governing Law

9.1 This Agreement shall be governed by and construed and interpreted in accordance with the laws of the Province of Ontario and the laws of Canada applicable therein. The parties hereby irrevocably attorn to the exclusive jurisdiction of the courts of Ontario with respect to any matter arising under or related to this Agreement.

10. Enforcement of Individual Municipal By-Laws Dealing with the Road

10.1 Except for the provisions of this Agreement respecting maintenance of the Road, it is specifically acknowledged in accordance with Section 28 of the Act, that the by-laws passed by each of Grey County and Dufferin County relating to their respective portions of a Road, such as, but not limited to, entrances, setbacks and parking shall remain in force and effect unless a bylaw passed by the Councils of both Grey County and Dufferin County shall designate otherwise.

11. Severability

11.1 Each of the provisions contained in this Agreement is distinct and severable and a declaration of invalidity or unenforceability of any such provision or part thereof by a court of competent jurisdiction shall not affect the validity or enforceability of any other provision hereof.

12. Entire Agreement

12.1 This Agreement constitutes the entire agreement between the parties with respect to the year round maintenance and capital improvement projects for the Road and supersedes all prior agreements, understandings, negotiations and discussions, whether written or oral. There are no conditions, covenants, agreements, representations, warranties or other provisions, express or implied, collateral, statutory or otherwise, relating to year round maintenance and capital improvement projects for the Road except as provided in this Agreement, and the attached Schedules “A” and “B”.

13. Waiver and Amendment

13.1 Except as expressly provided in this Agreement no amendment or waiver of this Agreement shall be binding unless executed in writing by the party to be bound. No waiver of any provision of this Agreement shall constitute a waiver of any other provision, nor shall any waiver of any provision of this Agreement constitute a continuing waiver, even if similar in nature, unless otherwise expressly provided.

16

TR-CW-46-18 October 25, 2018
14. Successors and Assigns

14.1 This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assigns. Neither party may assign all or any part of this Agreement without the written approval of the other party.

15. Notice

15.1 Any notice required to be given, served or delivered must be in writing and sent to the other party at the address indicated below, or to such other address as may be designated by notice provided by either party to the other.

For Grey County:
County Clerk
County of Grey Administration Building
595 9th Ave East
Owen Sound, ON N4K 3E3
Fax: 519-376-8998
Email: countyclerk@grey.ca

For Dufferin County:
County of Dufferin
55 Zina Street
Orangeville, ON L9W 1E5
Fax: 519-941-4565
Email: clerk@dufferincounty.ca

15.2 Any notice to be given by either party to the other shall, in the absence of proof to the contrary, be deemed to have been received by the addressee if:

a) Delivered personally on a business day, then on the day of delivery;

b) Sent by prepaid registered post, then on the second day following the registration thereof;

c) Sent by ordinary mail, then on the third business day following the date on which it was mailed; or

d) Sent by facsimile or email, upon confirmation of successful transmission of the notice.

16. Dispute Resolution

16.1 A dispute between the parties relating to the interpretation or implementation of this Agreement will be addressed through good faith negotiation, with or without the assistance of a mediator. The parties agree that in the event that they are not able to reach a resolution of all the matters in dispute after mediation, then the matters remaining in dispute will be finally determined by arbitration in accordance with the provisions of the Ontario Arbitrations Act, 1991.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day and year set out above:

THE CORPORATION OF THE COUNTY OF DUFFERIN:

_____________________________________________
PAUL MILLS, WARDEN

_____________________________________________
PAM HILLOCK, CLERK

I/we have the authority to bind the Corporation.

THE CORPORATION OF THE COUNTY OF GREY:

_____________________________________________
We have the authority to bind the Corporation.
Schedule "A"
Geographical Location Map

Schedule A
Grey County Obligation
Schedule “B”
Grey Road 9 Annual Maintenance Costs Payable by Dufferin County

Lump sum amount for Winter Maintenance $8,984.19
Lump sum amount for Summer Maintenance $ 897.35
Total lump sum amount payable by Dufferin County: $9,881.54

The total lump sum amount shall be invoiced on or about December 31, 2018.
That amount shall increase by 2% per year in each subsequent year of this Agreement.
See Section 4 of the Agreement for other details on the invoicing.
<table>
<thead>
<tr>
<th>Municipality</th>
<th>File Number / Name</th>
<th>File Type</th>
<th>Status / Links to Documents</th>
<th>Consultants / Groups Involved</th>
<th>Appellants / Participants</th>
<th>County Involvement or Party Status *</th>
<th>County Staff Involved</th>
</tr>
</thead>
</table>
| Township of Chatsworth       | 42-04-36-OPA-123 Bumstead Pit | Official Plan Amendment | The Applicant has submitted an appeal based on the County not making a decision within 180 days of receiving the County Official Plan Amendment application. A similar appeal has also been filed with the Township of Chatsworth for the Zoning By-law Amendment. The Ministry of Natural Resources and Forestry's License application has also been referred to the Ontario Municipal Board. A link to the appeal letter has been provided below:  

*Bumstead Appeal Letter*  

Based on the direction from Report PDR-CW-01-18, a letter was sent to the Board and all people on our mailing list advising them of the County's position.  

A prehearing conference for this appeal was held on September 4, 2018 in Chatsworth. A pre-hearing decision has been issued. The full hearing has been scheduled for August 2019.                                                                 | Cuesta Planning Consultants | Pearl and Brian Bumstead are the applicants and the appellants. Further parties and participants would be determined at a pre-hearing.                                                                                                                                  | As per Report PDR-CW-01-18 the County will not be involved in the OMB proceedings for this file. | Scott                                |
| Township of Georgian Bluffs  | Georgian Bluffs Comprehensive Zoning By-law – 2018-084 | Zoning By-law          | The County has appealed the Township of Georgian Bluffs Zoning By-law based on the minimum lot area within the Agricultural (AG) Zone not conforming the minimum lot size in the County Official Plan. The plan is for the Township and the County to resolve this using the new alternative dispute resolution provisions of the Planning Act in order to avoid an LPAT hearing which will save time and money.  
MHBC  
Grey Sauble Conservation Authority has also appealed based on hazard land mapping discrepancies.                                                                                                                                   | County of Grey               | County of Grey  
Grey Sauble Conservation Authority has also appealed based on hazard land mapping discrepancies.                                                                                                                                                                                                               | The County would be a party to this matter based on the County being an appellant; however the hope is to resolve this matter without the need for an LPAT hearing. | Stephanie                             |
<p>| Municipality of Grey Highlands | Municipality of Grey Highlands Official Plan | New Official Plan      | The County has received two appeals on the Municipality of Grey Highlands Official Plan. Links to the two appeal letters have been provided below. County staff will work with Grey Highlands staff to determine exactly which sections are under appeal and therefore which sections of the plan are in force.                                                                                           | Cuesta Planning Consultants | Cuesta Planning Consultants and Michael Hawkins               | As per Addendum to Report PDR-CW-40-17 the County will be involved in the OMB proceedings for this file. | Scott                                |</p>
<table>
<thead>
<tr>
<th>Municipality</th>
<th>File Number / Name</th>
<th>File Type</th>
<th>Status / Links to Documents</th>
<th>Consultants / Groups Involved</th>
<th>Appellants / Participants</th>
<th>County Involvement or Party Status</th>
<th>County Staff Involved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town of The Blue Mountains</td>
<td>42T-2012-01 – Eden Oak/Trailshead</td>
<td>Plan of Subdivision</td>
<td>The Applicant has submitted an appeal based on the County not making a decision within 180 days of receiving the Plan of Subdivision application. The Applicant has also appealed the non-decision from the Town regarding the zoning by-law amendment and the local official plan amendment. The Applicant, the Town, the County and the other parties reached a settlement and presented that to the Board on April 3, 2017. A Board decision was issued on September 6, 2017, conditionally approving the development, subject to a bonusing agreement between the Town and the Developer. Hawkins Appeal Letter Cuesta Appeal Letter</td>
<td>DC Slade Consulting Eden Oak Trailside Inc.</td>
<td>Based on the OMB Attendance guidelines, the County would be a Party at any future hearings.</td>
<td>Randy</td>
<td></td>
</tr>
<tr>
<td>Town of The Blue Mountains</td>
<td>2016 Town of The Blue Mountains Official Plan</td>
<td>New Official Plan</td>
<td>The Town of The Blue Mountains Official Plan was approved by the County on June 21, 2016. The Plan was subsequently appealed by six parties. Addendum to Report PDR-PCD-22-16 Blue Mountains Official Plan was presented at the August 11, 2016 Planning and Community Development Committee meeting as a summary of the appeals and to determine the County’s future role in the appeals. A letter has been issued by Town staff noting that the majority of the Official Plan is in force and effect, with only certain sections remaining under appeal. Town/County staff will work with the appellants to</td>
<td>N/A</td>
<td>1. Ivi Xhelili 2. Tomson Xhelili 3. Elisabeth Ecker Vanderploeg 4. Dinaz Dadyburjor 5. Gerard Borean, Parente Borean LLP, on behalf of Eden Oak (Trailshead) Inc. 6. Quinto M. Annibale, Loopstra</td>
<td>As per Addendum to Report PDR-PCD-22-16 the County will be a party to the proceedings.</td>
<td>Scott</td>
</tr>
<tr>
<td>Municipality</td>
<td>File Number / Name</td>
<td>File Type</td>
<td>Status / Links to Documents</td>
<td>Consultants / Groups Involved</td>
<td>Appellants / Participants</td>
<td>County Involvement or Party Status</td>
<td>County Staff Involved</td>
</tr>
<tr>
<td>------------------------------</td>
<td>--------------------</td>
<td>---------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------</td>
<td>-----------------------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>Town of The Blue Mountains</td>
<td>42T-2015-03 – Home Farm</td>
<td>Plan of Subdivision</td>
<td>The Applicant has submitted an appeal based on the County not making a decision within 180 days of receiving the Plan of Subdivision application. The Applicant has also appealed the non-decision from the Town regarding the zoning by-law amendment and the local official plan amendment. A pre-hearing appeal conference has been scheduled for January 23, 2019.</td>
<td>Nixon LLP, on behalf of MacPherson Builders (Blue Mountains) Limited</td>
<td></td>
<td>Town of The Blue Mountains</td>
<td>Scott</td>
</tr>
</tbody>
</table>
|                              | 42-42-000-OPA-135 Gibraltar Pit | County Official Plan Amendment | County Council approved County Official Plan Amendment 135 on March 22, 2018. The last date of appeal was April 18, 2018. Two appeals have been filed on this application by the Town of The Blue Mountains and the Friends of the Pretty River Valley. Copies of their appeal letters have been included below. The Town applications have also been appealed to LPAT. | MHBC Planning | Town of The Blue Mountains
Friends of the Pretty River Valley | Based on the OMB Attendance guidelines, the County would be a Party at any future hearings. | Scott                               |
<table>
<thead>
<tr>
<th>Municipality</th>
<th>File Number / Name</th>
<th>File Type</th>
<th>Status / Links to Documents</th>
<th>Consultants / Groups Involved</th>
<th>Appellants / Participants</th>
<th>County Involvement or Party Status *</th>
<th>County Staff Involved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town of The Blue Mountains</td>
<td>4T-2016-10</td>
<td>Plan of Subdivision</td>
<td>County Committee of the Whole draft approved 42T-2016-10 – Parkbridge Subdivision on September 13, 2018. One appeal has been filed on this application. County staff are currently in the process of preparing the appeal package to be sent to LPAT. Once received by the LPAT, they will determine if it is a valid appeal and once validated future hearing dates will be scheduled. The Zoning By-law Amendment that was passed by the Town of The Blue Mountains has also been appealed by the same Appellant.</td>
<td>Andrew Pascuzzo, Pascuzzo Planning Inc.</td>
<td>Pamela Spence</td>
<td>Based on the OMB Attendance guidelines, the County would not be a party or participant at the hearing.</td>
<td>Randy</td>
</tr>
<tr>
<td>Township of Southgate</td>
<td>42-07-060-OPA-16</td>
<td>Local Official Plan Amendment</td>
<td>The Peyton Pit LOPA was approved by the County on July 10, 2017. It was appealed by two separate parties that are neighbours to the pit. A pre-hearing was schedule on October 9, 2018.</td>
<td>Stovel and Associates (Rob Stovel)</td>
<td>1. Jo-Anne Chisholm 2. Douglas Karrow</td>
<td>Based on the OMB Attendance guidelines, the County would not be a party or participant at the hearing.</td>
<td>Sarah</td>
</tr>
<tr>
<td>Municipality of West Grey</td>
<td>42-05-280-OPA-137</td>
<td>County Official Plan Amendment</td>
<td>The Spaleta OPA was refused by the County on January 11, 2018. An associated zoning amendment was also refused by the Municipality of West Grey. This zoning amendment has also been appealed to the OMB. A two day LPAT hearing occurred on September 25 – 26, 2018. Written closing arguments are being prepared by the parties. Decision from LPAT will follow.</td>
<td>Cuesta Planning Consultants</td>
<td>Cuesta Planning Consultants</td>
<td>Based on the OMB Attendance guidelines, the County will be a party at the hearing since the County refused the OPA application.</td>
<td>Scott</td>
</tr>
</tbody>
</table>

*County involvement and party status will generally be in accordance with the guidelines established in Report PDR-PCD-08-13 – see link below:

PDR-PCD-08-13 Ontario Municipal Board Attendance
Committee Report

To: Warden Halliday and Members of Grey County Council

Committee Date: October 11, 2018

Subject / Report No: CAOR-CW-20-18

Title: Joint Accessibility Advisory Terms of Reference

Prepared by: Rob Hatten

Reviewed by: Kim Wingrove

Lower Tier(s) Affected: All (optional)

Status: Recommendation

Recommendation

1. That the draft Joint Accessibility Advisory Terms of Reference be received; and

2. That the draft terms of reference be circulated to all lower tier municipalities along with a letter extending an invitation to participate in the committee beginning in 2019.

Executive Summary

This report outlines a draft terms of reference for a joint municipal Accessibility Advisory Committee (AAC). A joint municipal AAC will be a valuable resource for Grey County municipalities that choose to participate. A joint AAC would provide consistent recommendation to local councils and would also address challenges in recruiting for this committee.

Background and Discussion

All Grey County municipalities are required to consult with persons with disabilities and under the Ontarians with Disabilities Act, 2001, any municipality with more than 10,000 residents must have an Accessibility Advisory Committee (AAC). The legislation does allow for a joint AAC which serves two or more municipalities.

In August, Council supported a staff recommendation to pursue a joint municipal AAC with voluntary participation by member municipalities. Staff have developed a draft terms of reference for the joint AAC after consulting the documents of other Ontario municipalities.

The Terms of Reference outlines the scope of responsibilities for members. These responsibilities are much the same as the current Terms of Reference document but also apply to participating municipalities.
Staff recommend a voting membership of up to seven members. The majority of these members must be people who identify as having a disability. Other voting representatives include one member of Grey County Council (selected annually) and other public members who have a high degree of accessibility knowledge.

Non-voting members will also support the committee. These members include one staff resource from each participating municipality, Grey County accessibility staff, and any other local municipal staff wishing to participate.

The Chair and Vice chair will be elected annually from the voting membership at the first meeting of the year.

Meetings will occur at the call of Chair, or as deemed necessary by the committee.

Public members of the joint AAC will be considered volunteers and will be reimbursed mileage or other similar travel costs.

Legal and Legislated Requirements

Ontarians with Disabilities Act (ODA)

Accessibility for Ontarians with Disabilities Act (AODA)

Grey County Procedural By-Law

Relevant Consultation

- Perth and Middlesex Accessibility staff

Appendices and Attachments

Draft – Joint Municipal Accessibility Advisory Committee Terms of Reference
Committee Report

To: Warden Halliday and Members of Grey County Council

Committee Date: October 25, 2018

Subject / Report No: PSR-CW-08-2018

Title: Road Closure and Common Operating Picture (Municipal511 and Responder511)

Prepared by: Pat Hoy, Jody MacEachern, Kevin McNab

Reviewed by: Mike Alguire, Mary Lou Spicer

Lower Tier(s) Affected: All

Status: Recommendation

1. That report PSR-CW-08-2018 regarding Road Closure and Common Operating Picture (Municipal511 and Responder511) be received; and

2. That Grey County staff continue to invest in the best solutions to improve information sharing among emergency response organizations and the public; and

3. That as per Grey County’s Purchasing Policy - Disposal of Surplus Goods 11.2 (c) the decommissioned Getac computers be distributed at no cost to lower tier fire departments to support the use of Municipal511 and Responder511.

Executive Summary

Bruce Power has recently announced that it will fund licensing for Municipal511 and Responder511 for Bruce, Grey, and Huron counties as part of a Regional Interoperability Optimization project for the remainder of 2018.

Municipal511 is a road closure and event management application. Responder511 is a common operating picture for emergency services, built around the data entered into Municipal511.

Grey County staff has assessed these two products as a replacement for the custom solution currently used for road closures, which is out of date and requires upgrading. These products have the advantage of being integrated with other applications, such as the computer aided dispatch (CADLink) program used by Grey County Paramedics Services. Importantly, it offers the potential for a regional picture for both residents and emergency responders, as there is the
potential for Grey County’s member municipalities and neighbouring communities to use the service as well.

Background and Discussion

History of Grey County’s Road Closure Application

Grey County first released an online map-based road closure application in 2014 to improve communication of road closures to the public. The map showed a simple representation of emergency road closures (weather or accident), and construction events. It has been one of the County’s more popular online applications. It received 105,000 visits this winter (November 1, 2017 – March 31, 2018), with 65% of those visitors using mobile devices to access the webpage.

The potential to improve this application for public use was immediately apparent. Although it has been an excellent resource to communicate Grey County road closures, users were still visiting other sites to get a complete picture of current road conditions – sites such as the province’s My511 page, websites for neighbouring municipalities, weather sites, etc.

In 2018, Grey County staff improved the road closure application by rebuilding the public mapping interface (currently available to the public as a beta release). New datasets were added to the map, including a spatial representation of Grey County road conditions, submitted by foremen during their winter patrols through their compliance application. Staff also added open data from the Ministry of Transportation Ontario (MTO) to show highway closures and conditions. Grey County road closures created in this web application were submitted to Waze, a crowd-sourcing traffic information app owned by Google, and information submitted directly through the Waze interface was made available on Grey County’s map.

Staff began the process of scoping a rebuild for the administrative tools for this application in 2017. The original technology is out of date and no longer supported by Grey County, and further enhancements were requested. One of the key challenges for communicating winter road closures has been acquiring and presenting data from neighbouring counties and lower tier municipalities. Having regional data would improve the service not just for our residents, but also, critical for emergency responders who rely on road-related data for their normal operations. Until recently, there was no clear commercial solution for managing spatial data associated with road closures, and few of Grey County’s neighbours were showing road closures on a publicly available map.

Road Closures and Regional Interoperability

Transnomis, a traffic management company based in Ottawa, recently released two complementary commercial products for municipalities: Municipal511 and Responder511. Municipal511 allows municipalities to create road-related information (closures, accidents, events, flooding, etc.), through an intuitive web-mapping application. Events can include planned start and stop dates, detours, and further information about the event such as whether the road is closed, or just one lane with alternating traffic.

Data entered in Municipal 511 is already integrated with Waze, major GPS companies like TomTom and HERE as well as Interdev’s CADLink program, used by Grey County Paramedic...
Services.

Responder511 is a companion application to Municipal511 that provides a common operating picture (COP) to police, fire, paramedics, and emergency managers. Responder511 will improve situational awareness and allow for greater interoperability between emergency services by having live data readily available during an emergency event. Having access to this information will decrease the response time to access a patient and improve the safety for emergency responders. As the two products are meant to be used for every day road-related issues, there should be a high degree of comfort and familiarity with the products when they are required for use in an emergency situation.

With Responder511, users see any road-related information that is available in Municipal511, whether it was created by the County, entered by another organization, or available from an open data source (i.e. MTO road incidents). There are several additional layers that are available by default including weather (radar, wind) and Google Traffic. In addition, administrators can share private layers to facilitate emergency management. Some potential uses include:

- Indicating the location of Automated External Defibrillators (AED) on the map
- Adding a marker on addresses that responders should call dispatch for more information
- Critical infrastructure
- Disease outbreaks
- Maps of large facilities

During a large scale event Responder 511 will allow incident command to draw details of the scene on a map for all emergency services to utilize. This would include the impacted area, staging area, access and egress points. All units responding to the event will have this information live and updated as the event unfolds. Responder511 has the ability to integrate automatic vehicle data into the map so that resources on the scene can be tracked. There will also likely be integration with the app Who’s Responding, a response tracker used by volunteer fire departments in the areas to track who is responding to a call.

Perhaps the strongest benefit to Municipal511 and Responder511 is the potential to have municipalities across the region using a common platform to create and manage road-related information, both as a service to the public, and as a common platform for emergency management. Responder511 is already integrated with Interdev’s CADLink program, so content in Responder511 is available to responders through their dispatch software. Grey County Paramedic Services is in the process of making ambulances mobile hotspots, so responders will be able to have continuous access to this information.

Supporting Local Fire Departments with Getac Computers

In 2018, Grey County Paramedics services replaced 21 Getac computers that were utilized in ambulances.

Most of the fire departments operating in Grey County have expressed interest in using these computers to support field operations. In order to support local fire departments benefitting and contributing to the Common Operating Picture provided by Responder 511, Grey County staff propose equally distributing these computers for use in lower tier fire departments. As
described above, this would be most beneficial to support information sharing in large-scale incidents with multiple agencies responding.

The computers will be erased and provided without operating systems. Each fire department will be responsible for having operating systems licensed and installed. Support for Responder511 is provided through Transnomis. Grey County will continue to support the program for lower tier municipalities, including fire, and provide training when required.

Grey County’s Purchasing Policy (Disposal of Surplus Goods 11.2 (c)) states that:

“Purchasing shall ascertain whether items falling into their respective authorities can be of use to another municipality or division rather than disposed of.”

Legal and Legislated Requirements

None

Financial and Resource Implications

Bruce Power has agreed to purchase the license as a trial for Bruce, Grey and Huron Counties for the remainder of 2018 as part of an ongoing Regional Interoperability Optimization (RIO) project. The RIO project aims to improve sharing of information between emergency management and responders within the three counties.

Municipal511 and Responder511 offer population-based pricing. For Grey County, Municipal511 would cost $6,568.11 per year. Responder511 would cost an additional $2,814.90. These costs will be added to the Paramedics Services Operating budget in 2019.

The licensing includes two user accounts for each service, plus two user accounts for each service for each of Grey County’s member municipalities.

If the computers were offered for sale on an on-line auction site, proceeds could be expected to range from $250 to $500 per computer for a total of $5,250 to $10,500. Proceeds from disposal are transferred to the Paramedic Services Reserve to fund future equipment purchases.

Relevant Consultation

☒ Internal: Kim Wingrove and Finance
☒ External: Regional Interoperability Optimization Working Group (RIO)

Appendices and Attachments

Grey County Procedure A-FIN-001-001, Purchasing Procedures
Committee Report

To: Warden Halliday and Members of Grey County Council

Committee Date: October 25, 2018

Subject / Report No: ITR-CW-05-18

Title: Electronic Document and Record Management System License Renewal

Prepared by: Jody MacEachern, Acting Director of Information Technology

Reviewed by: Kim Wingrove

Lower Tier(s) Affected: None

Status: Recommendation

Recommendation

1. That report ITR-CW-05-18 regarding document management software licensing be received; and

2. Council acknowledges that a two-year agreement with Appnovation Technologies Inc. Alfresco licensing is required and staff be directed to move forward with this purchase as approved by the Chief Administrative Officer in and in accordance with Sections 1 and 2 of By-law 5029-18, being the Lame Duck By-law.

Executive Summary

- In 2016, Grey County selected Appnovation Technologies Inc., to provide licensing and support for a new document management system, Alfresco.
- The County entered into a two-year licensing term, expiring 2018.
- The County has the opportunity to continue licensing for another two-year period under the current terms.

Background and Discussion

An electronic document and record management system (ERDMS) is used to manage digital content created and received by an organization. It improves content management over traditional file storage in a few key ways. With an ERDMS, an organization can manage files in a multi-editor environment, reduce file storage requirements, control permissions for access based on users or individual roles, include metadata with the documents themselves, and audit access and changes to files. Furthermore, when documents are finished, they can be managed as corporate records, and stored in accordance with the County’s Record Retention By-law.
In 2016, Grey County implemented a new ERDMS, Alfresco. This software allows staff to seamlessly apply retention rules to folders which contain almost 300,000 records current and archived records.

Since 2016, County staff have used this new system to continuously improve the management of corporate records. Alfresco is also used as a platform to manage or present data to other applications. For example, council and committee reports and agendas are created using Alfresco, and the agenda packages and minutes are made available to the corporate website and council portal through integrations with Alfresco. Staff have also used Alfresco to drive business processes such as IT project prioritization, based on document metadata.

Grey County engaged Appnovation Technologies Inc. as the Canadian reseller of Alfresco software and service provider to assist with the project implementation and provide licensing. The software was licensed for a two-year period, expiring December 2018.

The County’s Alfresco licensing is now due for a renewal. Appnovation Technologies Inc., has provided a quote to license the software for an additional two-year period under the same terms as the original agreement.

**Legal and Legislated Requirements**

Alfresco allows staff to add retention categories to each folder in compliance with the County’s Records Retention By-law. The retention by-law complies with many different pieces of legislation.

**Financial and Resource Implications**

A two-year renewal of Alfresco, through Appnovation Technologies Inc., will cost $201,984, a 4% increase over the previous two-year agreement. This would be approximately $205,540 CAD, including the non-refundable portion of HST.

These funds will be included in two equal portions in the 2019 and 2020 Information Services operating budget.

**Relevant Consultation**

Internal - CAO

External

**Appendices and Attachments**

[ITR-CS-15-15 EDRMS Single Source Procurement]
Committee Report

To: Warden Halliday and Members of Grey County Council

Committee Date: October 25, 2018

Subject / Report No: ITR-CW-06-18

Title: Teranet Data Delivery Agreement

Prepared by: Jody MacEachern, Acting Director of Information Technology

Reviewed by: Kim Wingrove

Lower Tier(s) Affected: All

Status: Recommendation

Recommendation

1. That report ITR-CW-06-18 regarding Teranet data delivery be received; and

2. Council acknowledges that a five-year agreement with Teranet Inc. for parcel, ownership and land information data delivery is required and staff be directed to move forward with this purchase as approved by the Chief Administrative Officer in and in accordance with Sections 1 and 2 of By-law 5029-18, being the Lame Duck By-law.

Executive Summary

- The Ontario Parcel database is maintained by the Province of Ontario (Ministry of Natural Resources and Forestry), the Municipal Property Assessment Corporation (MPAC) and Teranet Enterprises Inc.
- Grey County entered into a five-year agreement with Teranet Enterprises Inc. in 2013 for delivery of up-to-date parcel mapping information (assessment and ownership parcels, registered plans of survey, and supporting land information data).
- Staff propose renewing the County’s agreement with Teranet for another five-year term for delivery of parcel data.

Background and Discussion

In spring 2002, the Ontario Government (Ministry of Natural Resources), the Municipal Property Assessment Corporation (MPAC) and Teranet Enterprises Inc. reached an agreement to gather information about Ontario’s estimated four million land parcels and bring this knowledge together into a standardized digital database — the Ontario Parcel database.
The Ontario Parcel database contains boundaries and identifiers such as Assessment Roll Number (ARN) or property identification number (PIN), which can be linked to ownership, and assessed value information for each individual property or “parcel” of land in Ontario.

MPAC contributes non-spatial attributes to the parcel data, including not just assessed values, but ownership and tenant information, land use, the assessment roll number (ARN), and structure information. Teranet is responsible for developing the assessment and ownership parcel mapping, using information from the Land Registry Office.

In 2003 the County entered into an agreement with Teranet Enterprises Inc., for Teranet to provide up to date delivery of the assessment parcel fabric, the ownership parcel fabric including Property Identification Numbers, and registered plans for survey, along with supporting land information data.

The County receives data updates from Teranet on a nightly basis. Teranet’s service level aims to record any changes from the Land Registry Office within 24 hours, and push those changes to their clients through direct database connections within the next 24 hours.

Teranet’s parcel data is used in numerous applications and processes by the County and member municipalities. The assessment parcels are a foundational layer for zoning by-laws and official plan amendments. They are used for property research by several departments, and exposed to the public through web mapping applications. Further, the parcel data drives spatial address searches, and is used in generating required notices for planning applications.

It is important for county and municipal staff to have access to the latest updates to these layers to track and assess amendments and applications to both zoning and official plan layers, and perform property based research to support municipal business.

Legal and Legislated Requirements
None.

Financial and Resource Implications
Having access to the parcel data via Teranet allows Grey County staff to to shift their focus from maintaining parcel data (either internally or by contractor) to using it in support of municipal business (land development, planning, taxation, public works, etc.)

Annual licensing for Teranet has been included in the Information Technology departmental operating budget. The annual licensing for 2013-2017 was $53,147. The renewal for 2018-2023 includes approximately 14% increase, at $59,203 ($60,244 including the non-refundable portion of HST).

The 2018 IT operating budget includes the previous annual rate of $53,147, resulting in a shortfall of $7,097. This shortage can be covered with surplus realized in other areas of the IT operating budget.

Subsequent years will continue to be included in the IT operating budget.

Relevant Consultation
Internal - CAO
Appendices and Attachments

Teranet End User License Agreement (2018-2023)

Teranet Geoserver Renewal Agreement (2018-2023)

Report ITR-CS-06-13 – Teranet Agreement
Committee Report

To: Warden Halliday and Members of Grey County Council

Committee Date: October 25, 2018

Subject / Report No: TR-CW-48-18

Title: Capital Purchase Prior to Budget Approval

Prepared by: Graham Wilson, Maintenance Manager
Sharon Melville, Buyer

Reviewed by: Pat Hoy, Director of Transportation Services

Lower Tier(s) Affected:

Status:

Recommendation

1. That Report TR-CW-48-18 be received; and
2. That staff be authorized to issue the tender for two tandem trucks and two tandem roll-off trucks prior to 2019 budget approval due to delivery time constraints in accordance with Section 3.3 (c) of the Purchasing Procedure which allows the procurement of up to 50% of gross expenditures in year one of the ten year capital forecast.

Executive Summary

Transportation Services Staff is requesting permission to tender for two tandem trucks and two tandem roll-off trucks prior to 2019 budget approval.

Background and Discussion

Section 10.1 Reporting to Council of the Purchasing Procedure states that items requiring pre-budget approval must be reported to Council in order to have the expenditure authorized via resolution.

Section 3.0 Authorization of the procedures states that staff is authorized to procure up to fifty percent of gross expenditures contained in the first year of the Ten Year Capital Forecast Plan prior to the annual budget being approved, once Council has authorized these capital expenditures via resolution.

The purpose of this early tender date is to expedite the delivery of the units to ensure that they are available for use for the 2019/2020 winter season. Past history has shown that delivery takes seven to nine months from the date of purchase.
Staff is recommending the replacement of six current fleet units with four tandems. One triaxle, three tandem trucks and two single axle five ton trucks will be auctioned following the arrival of the four new tandems, thereby reducing the fleet by two units.

The two five ton units were to be replaced in 2020, but with the purchase of two roll-off trucks these five ton units will be considered redundant. The tandem roll-off truck provides quick conversion of the attachments to provide a more valuable service to the County year-round.

A route analysis has shown that tandem trucks are the appropriate vehicle in both material space and agility to undertake winter maintenance.

**Stainless Steel vs Aluminum Dump Body**

The Transportation Services fleet has primarily utilized carbon steel dump bodies on our plow trucks. Maintenance costs due to corrosion of these steel boxes includes welding holes created by rusting and painting of the boxes at approximately year six of the expected 12 year life cycle.

In an effort to find a cost efficient alternative to the carbon steel boxes, on October 4, 2016 County Council as per Resolution CC123-16 endorsed purchasing stainless steel and aluminum dump bodies.

The four 2019 trucks will be tendered with stainless steel dump bodies. Since purchasing trucks with these boxes in 2017, there have been no concerns with the stainless steel.

In consideration of the aluminum boxes, they do provide a weight advantage, but operators have noted that the unit is light on the drive tires when empty with the plow equipment on the front. This is causing the tires to spin when backing up at intersections, particularly when the material load is low. Further, there have been reports from the manufacturer of issues with cracking around conveyor chain axle shaft mounts and inner liner on some older units, at about seven to ten years of age. The County has not experienced any of these issues to date as our units are two years old.

Based on consultation with Staff and the manufacturer, Transportation Services has decided to proceed with the stainless steel box. Staff will continue to monitor the aluminum boxes for future consideration.

The tandem roll-off trucks do not have aluminum sanders available; only stainless steel or carbon steel sanders are available for purchase.

**Tandem Roll-Off Trucks**

Recommended for purchase are two tandem roll-off trucks to improve utilization and to provide increased versatility for our fleet. Five different attachments are available for purchase, including a salt hopper, standard dump body, water tank (watering in summer and anti-icing during the winter), flatbed and dumpster. Staff recommends buying four of these attachments, as the dumpster body is not a necessity at this time.

The various attachments are mounted quickly and efficiently from the ground and the truck can be fully loaded while doing so. The numerous attachments will allow for the elimination of the underutilized five ton units, which currently drive an average of only 5,000 kilometres per year and are used for anti-icing only. The tandem roll-off trucks water tank attachment will provide two and a half times the
volume for anti-icing when compared to the five ton units, allowing our trucks to travel much further without the need to refill.

Additional to the attachments discussed above, the trucks can also be fitted with plow equipment for use during the winter months. The flat bed attachment will help to eliminate the need for trailers and comes with an added benefit of not requiring an AZ license; only a DZ license is required, which all of our Operators have.

Legal and Legislated Requirements
None.

Financial and Resource Implications
These units have been submitted for replacement in the Machinery portion of the Ten Year Capital Forecast.

The gross expenditures amount contained in the first year (2019) of the current Transportation Services ten year capital forecast plan is $18,409,600. Each of the two tandem trucks are estimated to cost $290,016 and each of the two tandem roll-off trucks are estimated to cost $398,899, for a total of $1,377,830, which is 7.48 percent of the proposed 2019 capital forecast plan.

As Staff recommends replacing the five ton units with a more versatile, roll off tandem truck in 2019, the purchase of two five ton units scheduled for 2020 will not proceed. The projected cost to purchase a five ton unit is $105,830.00 and our ten year capital forecast plan had expected two of these units to be purchased in 2020 at a cost of $211,661.00. Instead, these funds will offset all but $3,053.00 per unit of the additional cost of the tandem roll off trucks in 2019. The additional $6,106.00 will be funded from the Transportation Services Equipment Reserve.

<table>
<thead>
<tr>
<th>Capital Cost Comparison</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost of Tandem net HST (scheduled for 2019)</td>
<td>$290,016.00</td>
</tr>
<tr>
<td>Cost of Single Axle unit net HST (scheduled for 2020)</td>
<td>$105,830.00</td>
</tr>
<tr>
<td>Total Cost of both units, as per approved Ten Year Capital Forecast Plan</td>
<td>$395,846.00</td>
</tr>
<tr>
<td><strong>Proposed 2019-2020 Tandem Truck Roll Off Purchase For Consideration</strong></td>
<td></td>
</tr>
<tr>
<td>Cost of Roll Off Tandem net HST</td>
<td>$398,899.00</td>
</tr>
<tr>
<td>Difference to be funded from Equipment Reserves for each unit to be purchased in 2019</td>
<td>$3,053.00</td>
</tr>
</tbody>
</table>

Relevant Consultation

<table>
<thead>
<tr>
<th>Internal - Finance Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>External</td>
</tr>
</tbody>
</table>

TR-CW-48-18 38 October 25, 2018
Appendices and Attachments

Viking Cives Roller-Pro Specifications
Roller-Pro

Standard Features
1. **Hydraulically Powered Cable and Hook** can load all attachments onto the tipping frame from flat ground with a full load of material.
2. **Low Profile Tipping Frame** lowers vehicle center of gravity for improved handling.
3. **6 Safety Locks Arrest All Tipping Forces** to confidently keep loaded attachments on the chassis.
4. **Retractable Tail Extension** eliminates any rear end overhang.
5. **50 Degree** dumping angle.

The North American Leader in innovative snow & ice control equipment.

**Options**
- Quick Detach plow and wing systems
- Street Flusher Kit
- 3-Lane DLA spray boom (Direct Liquid Application)
- 120” or 138” cab to axle lengths
- Can be configured to accept custom attachments specific to your needs
**Roller-Pro Dump Box**

**Standard Features**

1. **Easy loading onto Roller-Pro Tipping Frame.** Flat ground loading capability empty or full.
2. **Dual Function Tailgate** is top hinged for dumping and side hinged for barn door operation.
3. **Single Action Handle** switches between dumping and barn-door tailgate operation.
4. **Durable 10 gauge Corten Construction** resists material wear and corrosion.

**Options**

- Hardox floor and sides
- 36” or 42” side height
- D-Rings for load and equipment tie-down
- Air tarp kit

**Specifications**

<table>
<thead>
<tr>
<th>Model</th>
<th>Outside Length</th>
<th>Side Height</th>
<th>Tailgate Height</th>
<th>Capacity *w/Sideboards</th>
<th>Approx. Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>RPDB 120</td>
<td>14’4”</td>
<td>36”</td>
<td>46”</td>
<td>14.5 yd³</td>
<td>4860 lbs</td>
</tr>
<tr>
<td></td>
<td>14’4”</td>
<td>42”</td>
<td>55”</td>
<td>16.5 yd³</td>
<td>5130 lbs</td>
</tr>
<tr>
<td>RPDB 138</td>
<td>16’</td>
<td>36”</td>
<td>46”</td>
<td>16.4 yd³</td>
<td>5260 lbs</td>
</tr>
<tr>
<td></td>
<td>16’</td>
<td>42”</td>
<td>55”</td>
<td>18.6 yd³</td>
<td>5520 lbs</td>
</tr>
</tbody>
</table>
Roller-Pro Water Tank

Standard Features

1. **Polymer Liquid Tank** capable of carrying 2650 us/gal water or salt brine without corroding.
2. **Galvanized Steel Frame** resists corrosion.
3. **Mounts to Roller-Pro Tipping Frame.** Easily engages vertical and horizontal safety locks secure the tank and frame to Roller-Pro frame rails.
4. **Stainless Steel Enclosure** keeps pump & valves protected from the elements.
5. **Rear Sign Board & Integrated Lighting** keeps your truck visible to drivers and can be configured to comply with regional lighting and visibility requirements.

Options

- 100' hose reel kit
- 3-Lane DLA spray boom (Direct Liquid Application)
- High powered street flusher
- Flood bar
- Street Flusher KIt

<table>
<thead>
<tr>
<th>Model</th>
<th>Width</th>
<th>Height</th>
<th>Length</th>
<th>Level Capacity</th>
<th>Approx. Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>120</td>
<td>101.5”</td>
<td>74”</td>
<td>15’6”</td>
<td>8.5 yd³</td>
<td>3250 lbs</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>11.5 yd³</td>
<td>(empty)</td>
</tr>
<tr>
<td>138</td>
<td>101.5”</td>
<td>74”</td>
<td>16’8”</td>
<td>9.5 yd³</td>
<td>3550 lbs</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>13 yd³</td>
<td>(empty)</td>
</tr>
</tbody>
</table>
Roller-Pro Flat Bed

Standard Features
1. Easy loading onto Roller-Pro Tipping Frame. Flat ground loading capability empty or full.
2. Checker Plate Deck gives durability and traction.
3. Four 5000 lb Straps
4. Chain and Binder Storage with D-rings.

Options
- 12000 lb electric winch
- Linex Rough coating

The North American Leader in innovative snow & ice control equipment.

<table>
<thead>
<tr>
<th>Model</th>
<th>Length</th>
<th>Height</th>
<th>Width</th>
<th>Approx. Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>RPFB 120</td>
<td>14’</td>
<td>54”</td>
<td>100”</td>
<td>2630 lbs</td>
</tr>
<tr>
<td>RPFB 138-16</td>
<td>16’</td>
<td>54”</td>
<td>100”</td>
<td>3250 lbs</td>
</tr>
<tr>
<td>RPFB 138-17.5</td>
<td>17.5’</td>
<td>54”</td>
<td>100”</td>
<td>3430 lbs</td>
</tr>
</tbody>
</table>
Roller-Pro Salt Hopper

Standard Features
1. V-Style Spreader Design specifically designed for sand salt and aggregate material spreading.
2. Capable of mounting, fully loaded, onto Roller-Pro tipping frame.
3. Durable 10 gauge Corten Construction resists material wear and corrosion.
4. Rear Inspection Ladder
5. Material Screens
6. Front Discharge
7. Integrated Chain Conveyor
8. Air Tailgate

Options
- Belt or dual auger cross conveyor
- Single or twin spinner
- Stainless steel cross conveyor bed
- 270 us/gal pre-wet system
- Rear multi-lane symmetry spinner

<table>
<thead>
<tr>
<th>Model</th>
<th>Width</th>
<th>Height</th>
<th>Inside Length</th>
<th>Outside Length</th>
<th>Level Capacity w/10” Sideboards</th>
<th>Approx. Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>RPSH 120</td>
<td>80”</td>
<td>52”</td>
<td>12’8”</td>
<td>14’4”</td>
<td>8.5 yd³ 11.5 yd³</td>
<td>5430 lbs</td>
</tr>
<tr>
<td>RPSH 138</td>
<td>80”</td>
<td>52”</td>
<td>14’4”</td>
<td>16’</td>
<td>9.5 yd³ 13 yd³</td>
<td>5850 lbs</td>
</tr>
</tbody>
</table>
Roller-Pro Dumpster Bin

Standard Features
1. Manual Dual Barn Doors allow easy loading.
2. Designed to be Dropped and Left at a Jobsite, leaving your Roller-Pro free for other tasks while being loaded.

Options
- Tarp Kit
- Recycle bins available
- Custom bin configurations available

Model | Width | Height | Inside Length | Outside Length | Level Capacity
--- | --- | --- | --- | --- | ---
RPSH 120 | 8’ | 4’ | 14’ | 14’ | 16.5 yd³
RPSH 138 | 8’ | 4’ | 14’4” | 16’ | 19 yd³

The North American Leader in innovative snow & ice control equipment.
Recommendation

1. That Report TR-CW-42-18 regarding updates to the Minimum Maintenance Standards be received; and

2. That the Maintenance Standards and Transportation Services Protocol be updated in the Grey County Winter Control Operator Hand Book and that a by-law be brought forward for Council’s consideration.

Executive Summary

On May 3, 2018, Ontario Regulation 366/18 was released under the Municipal Act, 2001 as an amendment to Ontario Regulation 239/02 (Minimum Maintenance Standards for Municipal Highways). As part of this amendment, substantive changes were made to the Minimum Maintenance Standards. The notable changes are:

- Removal of the word Minimum from the title of Minimum Maintenance Standards.
- The ability for municipalities to declare a significant weather event with implications for winter maintenance on roadways, bicycle lanes and sidewalks during the duration of the event.
- The introduction of winter maintenance standards for bicycle lanes.
- The introduction of winter maintenance standards, including patrol obligations for sidewalks.
Background and Discussion

Significant Weather Event

The amendments to the Maintenance Standards include the introduction of the concept of a significant weather event, which is defined as an approaching or occurring weather hazard with the potential to pose a significant danger to users of the highways within a municipality. Weather Hazard is also a defined term and means the weather hazards determined by Environment Canada as meeting the criteria for the issuance of an alert under its Public Weather Alerting Program.

The following sections will be applicable under the new Maintenance Standards throughout the duration of a significant weather event:

- Snow accumulation on roadways (Section 4.1)
- Snow accumulation on bicycle lanes (Section 4.3)
- Icy roadways (Section 5.1)
- Snow accumulation on sidewalks (Section 16.4)
- Icy sidewalks (Section 16.6)

Transportation Services Protocol

A significant weather event is to be declared by the Director of Transportation Services or his/her designate. The event area will be determined and notifications will be provided to the Public (Road Conditions Web Page/Municipal511).

Transportation Services may declare a significant weather event when the weather forecast or observed weather condition includes one or more of the following conditions:

1. Snow accumulation of 250 millimeters or more during a 24 hour period.
2. Ice formation is forecasted to last more than a 12 hour period.
3. Sustained wind speeds in excess of 40 kilometres per hour causing reductions in visibility to 400 metres or less, over a 4 hour period.
4. Rainfall accumulation of 25 millimeters or more during a 24 hour period.

In each case, during the course of a declared significant weather event, the standard for addressing winter maintenance is to monitor the weather and to deploy resources to address the issue starting from the time that the municipality deems appropriate to do so. Once the significant weather event is declared to have been concluded, the municipality shall address the issue pursuant to the regular standards for maintenance.

Transportation Services will notify the Public of the start and end of a significant weather event. This notice will provide information to the travelling Public that will assist them in making informed travel decisions. The notification will be completed in one or more of the following ways:

1. Grey County website;
2. Social media platform (i.e. Twitter);
3. Radio media;
4. Municipality’s police services.

Bicycle Lanes

A Bicycle Lane is now defined in the Maintenance Standards as (a) a portion of a roadway that has been designated by pavement markings or signage for the preferential or exclusive use of cyclists or (b) a portion of a roadway that has been designated for the exclusive use of cyclists by signage and a physical or marked buffer.

The Maintenance Standards now also includes specific sections outlining winter maintenance standards for snow accumulation in bicycle lanes. Addressing snow accumulation on a bicycle lane includes:

1. Plowing the bicycle lane;
2. Salting the bicycle lane;
3. Applying abrasive materials to the bicycle lane;
4. Applying other chemical or organic agents to the bicycle lane;
5. Sweeping the bicycle lane;
6. Any combination of the methods described in (1) to (5).

Section 35 of the Municipal Act allows a municipality to pass a by-law removing or restricting the common law right of passage by the public over a highway. This same procedure can be applied to bicycle lanes.

Grey County has bicycle lanes on Grey Roads 1 and 19 and various roads with paved shoulders, which may be used as bicycle lanes by cyclists. The Transportation Services Department cannot reasonably maintain these bicycle lanes and paved shoulders in the winter season to the level required by the new Maintenance Standards. As per legal advice obtained by the County on this question, Transportation Services Staff recommends that the bicycle lanes on Grey Roads 1 and 19 and any paved shoulders that may be used as bicycle lanes by cyclists be closed for the winter season each year.

Due to the substantial number of signs required in order to have all roads with paved shoulders posted with this information and the associated costs, it has been decided that signage will not be installed. This information however, will be posted on the County of Grey website and updated regularly.

Sidewalks

The Maintenance Standards now provides a definition for a sidewalk as the part of the highway specifically set aside or commonly understood to be for pedestrian use, typically consisting of a paved surface but does not include crosswalks, medians, boulevards, shoulders or any part of the sidewalk where cleared snow has been deposited.

Grey County does not maintain any sidewalks that meet the definition described above, with one exception being the paved shoulder in the village of Maxwell, within the Municipality of Grey Highlands. This is delineated with pavement markings to provide a walking path for pedestrians to access the public.
school. At this location, the County will adhere to Sections 16.3 to 16.7 of the new Maintenance Standards (Ontario Regulation 366/18) regarding sidewalk maintenance during the winter months.

Transportation Services Staff has consulted with the member municipalities in Grey, and surrounding Counties, and all have advised that they are currently undertaking a review of the new Maintenance Standards, but that it is not clear at this time what, if any, changes will occur in their operations.

Transportation Services Staff will update its Grey County Winter Control Operator Hand Book to reflect the information contained in this Report upon approval by County Council.

Legal and Legislated Requirements

The legal and legislated requirements are included in the Municipal Act Section 8(1) Section 11(2) and (3) Section 35, Ontario Regulation 366/18 and Ontario Regulation 239/02.

Financial and Resource Implications

Minimal increases in sand and salt usage will be required in order to maintain the 350 metres of sidewalk in Maxwell.

Minimal internal labour costs will be produced as a result of declaring a Significant Weather Event.

Relevant Consultation

× Internal – Clerks Department

× External – Charles Painter, Paterson MacDougall LLP, Frank Cowan Company, Ontario Good Roads Association, Member Municipalities, County of Bruce, County of Dufferin, County of Huron, County of Simcoe, Donnelly & Murphy Law

Appendices and Attachments

Draft By-Law
Ontario Regulation 239/02
Ontario Regulation 366/18
A BY-LAW TO AUTHORIZE THAT NO WINTER MAINTENANCE BE PROVIDED ON BICYCLE LINES AND PAVED SHOULDERS IN THE COUNTY OF GREY ANNUALLY FROM OCTOBER 15 TO APRIL 15

WHEREAS the Council of the County of Grey adopted the recommendation of the Committee of The Whole at its October 25, 2018 meeting regarding not providing winter maintenance on bicycle lanes and paved shoulders on Grey County roads.

AND WHEREAS Section 35 of The Municipal Act 2001, as amended, allows a municipality to pass a by-law removing or restricting the common law right of passage by the public over a highway.

AND WHEREAS the Council of the County of Grey is desirous of specifying that bicycle lanes and paved shoulders on Grey County roads will not be subject to winter maintenance as defined in this by-law.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF GREY ENACTS AS FOLLOWS:

1. DEFINITIONS
   1.1. **Winter Maintenance Period** means the period from October 15 to April 15 inclusive.
   1.2. **Paved Shoulder and Bicycle Lane Winter Maintenance** means winter maintenance activities associated with maintaining the paved shoulders and bicycle lanes in a condition that permits passage by bicyclists during the Winter Maintenance Period, including but not limited to activities such as snow plowing and ice control.

2. No Paved Shoulder and Bicycle Lane Winter Maintenance shall occur on the following:
   2.1. Grey Road 1 from the intersection at East Linton Sideroad West north to the intersection of Kemble Rock Road.
   2.2. Grey Road 1 from 300 metres east of the intersection at Skinner’s Bluff to the westerly boundary of Grey County.
   2.3. Grey Road 19 from the intersection of Grey Road 119 to the intersection of Highway 26.
   2.4. The paved shoulders on all Grey County roads within the County of Grey.

3. This By-law shall come into full force and effect upon the date of final passing thereof.

ENACTED AND PASSED this _____ day of _______, 2018.

___________________________  ______________________________
WARDEN: Stewart Halliday   CLERK: Heather Morrison
Municipal Act, 2001
Loi de 2001 sur les municipalités

ONTARIO REGULATION 239/02
MINIMUM MAINTENANCE STANDARDS FOR MUNICIPAL HIGHWAYS

Consolidation Period: From May 3, 2018 to the e-Laws currency date.

Last amendment: 366/18.

Legislative History: 288/03, 613/06, 23/10, 47/13, 366/18.

This Regulation is made in English only.

Definitions

1. (1) In this Regulation,
   “bicycle facility” means the on-road and in-boulevard cycling facilities listed in Book 18 of the Ontario Traffic Manual;
   “bicycle lane” means,
   (a) a portion of a roadway that has been designated by pavement markings or signage for the preferential or exclusive use of cyclists, or
   (b) a portion of a roadway that has been designated for the exclusive use of cyclists by signage and a physical or marked buffer;
   “cm” means centimetres;
   “day” means a 24-hour period;
   “encroachment” means anything that is placed, installed, constructed or planted within the highway that was not placed, installed, constructed or planted by the municipality;
   “ice” means all kinds of ice, however formed;
   “motor vehicle” has the same meaning as in subsection 1 (1) of the Highway Traffic Act, except that it does not include a motor assisted bicycle;
   “non-paved surface” means a surface that is not a paved surface;
   “Ontario Traffic Manual” means the Ontario Traffic Manual published by the Ministry of Transportation, as amended from time to time;
   “paved surface” means a surface with a wearing layer or layers of asphalt, concrete or asphalt emulsion;
   “pothole” means a hole in the surface of a roadway caused by any means, including wear or subsidence of the road surface or subsurface;
   “roadway” has the same meaning as in subsection 1 (1) of the Highway Traffic Act;
   “shoulder” means the portion of a highway that provides lateral support to the roadway and that may accommodate stopped motor vehicles and emergency use;
   “sidewalk” means the part of the highway specifically set aside or commonly understood to be for pedestrian use, typically consisting of a paved surface but does not include crosswalks, medians, boulevards, shoulders or any part of the sidewalk where cleared snow has been deposited;
   “significant weather event” means an approaching or occurring weather event with the potential to pose a significant danger to users of the highways within a municipality;
   “snow accumulation” means the natural accumulation of any of the following that, alone or together, covers more than half a lane width of a roadway:
   1. Newly-fallen snow.
   2. Wind-blown snow.
   3. Slush;
   “substantial probability” means a significant likelihood considerably in excess of 51 per cent;
“surface” means the top of a sidewalk, roadway or shoulder;

“utility” includes any air, gas, water, electricity, cable, fiber-optic, telecommunication or traffic control system or subsystem, fire hydrants, sanitary sewers, storm sewers, property bars and survey monuments;

“utility appurtenance” includes maintenance holes and hole covers, water shut-off covers and boxes, valves, fittings, vaults, braces, pipes, pedestals, and any other structures or items that form part of or are an accessory part of any utility;

“weather” means air temperature, wind and precipitation.

“weather hazard” means the weather hazards determined by Environment Canada as meeting the criteria for the issuance of an alert under its Public Weather Alerting Program. O. Reg. 239/02, s. 1 (1); O. Reg. 23/10, s. 1 (1); O. Reg. 47/13, s. 1; O. Reg. 366/18, s. 1 (1, 2).

(2) For the purposes of this Regulation, every highway or part of a highway under the jurisdiction of a municipality in Ontario is classified in the Table to this section as a Class 1, Class 2, Class 3, Class 4, Class 5 or Class 6 highway, based on the speed limit applicable to it and the average daily traffic on it. O. Reg. 239/02, s. 1 (2); O. Reg. 366/18, s. 1 (3).

(3) For the purposes of subsection (2) and the Table to this section, the average daily traffic on a highway or part of a highway under municipal jurisdiction shall be determined,

(a) by counting and averaging the daily two-way traffic on the highway or part of the highway, or

(b) by estimating the average daily two-way traffic on the highway or part of the highway. O. Reg. 239/02, s. 1 (3); O. Reg. 23/10, s. 1 (2); O. Reg. 366/18, s. 1 (3).

(4) For the purposes of this Regulation, unless otherwise indicated in a provision of this Regulation, a municipality is deemed to be aware of a fact if, in the absence of actual knowledge of the fact, circumstances are such that the municipality ought reasonably to be aware of the fact. O. Reg. 366/18, s. 1 (4).

### TABLE

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
<th>Column 4</th>
<th>Column 5</th>
<th>Column 6</th>
<th>Column 7</th>
<th>Column 8</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Daily Traffic (number of motor vehicles)</td>
<td>91 - 100 km/h speed limit</td>
<td>81 - 90 km/h speed limit</td>
<td>71 - 80 km/h speed limit</td>
<td>61 - 70 km/h speed limit</td>
<td>51 - 60 km/h speed limit</td>
<td>41 - 50 km/h speed limit</td>
<td>31 - 40 km/h speed limit</td>
</tr>
<tr>
<td>35,000 or more</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>23,000 - 34,999</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>15,000 - 22,999</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>12,000 - 14,999</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>10,000 - 11,999</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>8,000 - 9,999</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>6,000 - 7,999</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>5,000 - 5,999</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>4,000 - 4,999</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>3</td>
<td>4</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>3,000 - 3,999</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>2,000 - 2,999</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>3</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>1,000 - 1,999</td>
<td>1</td>
<td>3</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>500 - 999</td>
<td>1</td>
<td>3</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>200 - 499</td>
<td>1</td>
<td>3</td>
<td>4</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>50 - 199</td>
<td>1</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>5</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>6 - 49</td>
<td>1</td>
<td>3</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
</tr>
</tbody>
</table>

O. Reg. 366/18, s. 1 (5).

**Application**

2. (1) This Regulation sets out the minimum standards of repair for highways under municipal jurisdiction for the purpose of clause 44 (3) (b) of the Act. O. Reg. 288/03, s. 1.

(2) REVOKED: O. Reg. 23/10, s. 2.

(3) This Regulation does not apply to Class 6 highways. O. Reg. 239/02, s. 2 (3).

**Purpose**

2.1 The purpose of this Regulation is to clarify the scope of the statutory defence available to a municipality under clause 44 (3) (c) of the Act by establishing maintenance standards which are non-prescriptive as to the methods or materials to be used in complying with the standards but instead describe a desired outcome. O. Reg. 366/18, s. 2.

**MAINTENANCE STANDARDS**

---

TR-CW-42-18  
52  
October 25, 2018
3. (1) The standard for the frequency of patrolling of highways to check for conditions described in this Regulation is set out in the Table to this section. O. Reg. 23/10, s. 3 (1); O. Reg. 366/18, s. 3 (2).

(2) If it is determined by the municipality that the weather monitoring referred to in section 3.1 indicates that there is a substantial probability of snow accumulation on roadways, ice formation on roadways or icy roadways, the standard for patrolling highways is, in addition to that set out in subsection (1), to patrol highways that the municipality selects as representative of its highways, at intervals deemed necessary by the municipality, to check for such conditions. O. Reg. 47/13, s. 2; O. Reg. 366/18, s. 3 (2).

(3) Patrolling a highway consists of observing the highway, either by driving on or by electronically monitoring the highway, and may be performed by persons responsible for patrolling highways or by persons responsible for or performing highway maintenance activities. O. Reg. 23/10, s. 3 (1).

(4) This section does not apply in respect of the conditions described in section 10, subsections 11 (0.1) and 12 (1) and section 16.1, 16.2, 16.3 or 16.4. O. Reg. 23/10, s. 3 (1); O. Reg. 366/18, s. 3 (3).

TABLE

<table>
<thead>
<tr>
<th>Class of Highway</th>
<th>Patrolling Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>3 times every 7 days</td>
</tr>
<tr>
<td>2</td>
<td>2 times every 7 days</td>
</tr>
<tr>
<td>3</td>
<td>once every 7 days</td>
</tr>
<tr>
<td>4</td>
<td>once every 14 days</td>
</tr>
<tr>
<td>5</td>
<td>once every 30 days</td>
</tr>
</tbody>
</table>

O. Reg. 23/10, s. 3, Table; O. Reg. 23/10, s. 3 (2).

Weather monitoring

3.1 (1) From October 1 to April 30, the standard is to monitor the weather, both current and forecast to occur in the next 24 hours, once every shift or three times per calendar day, whichever is more frequent, at intervals determined by the municipality. O. Reg. 47/13, s. 3; O. Reg. 366/18, s. 4.

(2) From May 1 to September 30, the standard is to monitor the weather, both current and forecast to occur in the next 24 hours, once per calendar day. O. Reg. 47/13, s. 3; O. Reg. 366/18, s. 4.

Snow accumulation, roadways

4. (1) Subject to section 4.1, the standard for addressing snow accumulation on roadways is,

(a) after becoming aware of the fact that the snow accumulation on a roadway is greater than the depth set out in the Table to this section, to deploy resources as soon as practicable to address the snow accumulation, and

(b) after the snow accumulation has ended, to address the snow accumulation so as to reduce the snow to a depth less than or equal to the depth set out in the Table within the time set out in the Table,

(i) to provide a minimum lane width of the lesser of three metres for each lane or the actual lane width, or

(ii) on a Class 4 or Class 5 highway with two lanes, to provide a total width of at least five metres. O. Reg. 47/13, s. 4; O. Reg. 366/18, s. 5 (1).

(2) If the depth of snow accumulation on a roadway is less than or equal to the depth set out in the Table to this section, the roadway is deemed to be in a state of repair with respect to snow accumulation. O. Reg. 47/13, s. 4.

(3) For the purposes of this section, the depth of snow accumulation on a roadway and, if applicable, lane width under clause (1) (b), may be determined in accordance with subsection (4) by a municipal employee, agent or contractor, whose duties or responsibilities include one or more of the following:

1. Patrolling highways.
2. Performing highway maintenance activities.
3. Supervising staff who perform activities described in paragraph 1 or 2. O. Reg. 47/13, s. 4; O. Reg. 366/18, s. 5 (2).

(4) The depth of snow accumulation on a roadway and lane width may be determined by,

(a) performing an actual measurement,

(b) monitoring the weather,

(c) performing a visual estimate. O. Reg. 47/13, s. 4; O. Reg. 366/18, s. 5 (3).

(5) For the purposes of this section, addressing snow accumulation on a roadway includes,

(a) plowing the roadway,
(b) salting the roadway;
(c) applying abrasive materials to the roadway;
(d) applying other chemical or organic agents to the roadway;
(e) any combination of the methods described in clauses (a) to (d). O. Reg. 366/18, s. 5 (4).

(6) This section does not apply to that portion of the roadway,
(a) designated for parking;
(b) consisting of a bicycle lane or other bicycle facility; or
(d) used by a municipality for snow storage. O. Reg. 366/18, s. 5 (4).

<table>
<thead>
<tr>
<th>Class of Highway</th>
<th>Depth</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2.5 cm</td>
<td>4 hours</td>
</tr>
<tr>
<td>2</td>
<td>5 cm</td>
<td>6 hours</td>
</tr>
<tr>
<td>3</td>
<td>8 cm</td>
<td>12 hours</td>
</tr>
<tr>
<td>4</td>
<td>8 cm</td>
<td>16 hours</td>
</tr>
<tr>
<td>5</td>
<td>10 cm</td>
<td>24 hours</td>
</tr>
</tbody>
</table>

O. Reg. 47/13, s. 4; O. Reg. 366/18, s. 5 (5).

Snow accumulation on roadways, significant weather event

4.1 (1) If a municipality declares a significant weather event relating to snow accumulation, the standard for addressing snow accumulation on roadways until the declaration of the end of the significant weather event is,
(a) to monitor the weather in accordance with section 3.1; and
(b) if deemed practicable by the municipality, to deploy resources to address snow accumulation on roadways, starting from the time that the municipality deems appropriate to do so. O. Reg. 366/18, s. 7.

(2) If the municipality complies with subsection (1), all roadways within the municipality are deemed to be in a state of repair with respect to snow accumulation until the applicable time in the Table to section 4 expires following the declaration of the end of the significant weather event by the municipality. O. Reg. 366/18, s. 7.

(3) Following the end of the weather hazard in respect of which a significant weather event was declared by a municipality under subsection (1), the municipality shall,
(a) declare the end of the significant weather event when the municipality determines it is appropriate to do so; and
(b) address snow accumulation on roadways in accordance with section 4. O. Reg. 366/18, s. 7.

Snow accumulation, bicycle lanes

4.2 (1) Subject to section 4.3, the standard for addressing snow accumulation on bicycle lanes is,
(a) after becoming aware of the fact that the snow accumulation on a bicycle lane is greater than the depth set out in the Table to this section, to deploy resources as soon as practicable to address the snow accumulation; and
(b) after the snow accumulation has ended, to address the snow accumulation so as to reduce the snow to a depth less than or equal to the depth set out in the Table to this section to provide a minimum bicycle lane width of the lesser of 1 metre or the actual bicycle lane width. O. Reg. 366/18, s. 7.

(2) If the depth of snow accumulation on a bicycle lane is less than or equal to the depth set out in the Table to this section, the bicycle lane is deemed to be in a state of repair with respect to snow accumulation. O. Reg. 366/18, s. 7.

(3) For the purposes of this section, the depth of snow accumulation on a bicycle lane and, if applicable, lane width under clause (1) (b), may be determined in the same manner as set out in subsection 4 (4) and by the persons mentioned in subsection 4 (3), with necessary modifications. O. Reg. 366/18, s. 7.

(4) For the purposes of this section, addressing snow accumulation on a bicycle lane includes,
(a) plowing the bicycle lane;
(b) salting the bicycle lane;
(c) applying abrasive materials to the bicycle lane;
(d) applying other chemical or organic agents to the bicycle lane;
(e) sweeping the bicycle lane; or
(f) any combination of the methods described in clauses (a) to (e). O. Reg. 366/18, s. 7.

### TABLE

#### SNOW ACCUMULATION – BICYCLE LANES

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class of Highway or Adjacent Highway</td>
<td>Depth</td>
<td>Time</td>
</tr>
<tr>
<td>1</td>
<td>2.5 cm</td>
<td>8 hours</td>
</tr>
<tr>
<td>2</td>
<td>5 cm</td>
<td>12 hours</td>
</tr>
<tr>
<td>3</td>
<td>8 cm</td>
<td>24 hours</td>
</tr>
<tr>
<td>4</td>
<td>8 cm</td>
<td>24 hours</td>
</tr>
<tr>
<td>5</td>
<td>10 cm</td>
<td>24 hours</td>
</tr>
</tbody>
</table>

O. Reg. 366/18, s. 7.

**Snow accumulation on bicycle lanes, significant weather event**

4.3 (1) If a municipality declares a significant weather event relating to snow accumulation, the standard for addressing snow accumulation on bicycle lanes until the declaration of the end of the significant weather event is,

(a) to monitor the weather in accordance with section 3.1; and

(b) if deemed practicable by the municipality, to deploy resources to address snow accumulation on bicycle lanes, starting from the time that the municipality deems appropriate to do so. O. Reg. 366/18, s. 7.

(2) If the municipality complies with subsection (1), all bicycle lanes within the municipality are deemed to be in a state of repair with respect to snow accumulation until the applicable time in the Table to section 4.2 expires following the declaration of the end of the significant weather event by the municipality. O. Reg. 366/18, s. 7.

(3) Following the end of the weather hazard in respect of which a significant weather event was declared by a municipality under subsection (1), the municipality shall,

(a) declare the end of the significant weather event when the municipality determines it is appropriate to do so; and

(b) address snow accumulation on bicycle lanes in accordance with section 4.2. O. Reg. 366/18, s. 7.

**Ice formation on roadways and icy roadways**

5. (1) The standard for the prevention of ice formation on roadways is doing the following in the 24-hour period preceding an alleged formation of ice on a roadway:

1. Monitor the weather in accordance with section 3.1.

2. Patrol in accordance with section 3.

3. If the municipality determines, as a result of its activities under paragraph 1 or 2, that there is a substantial probability of ice forming on a roadway, treat the roadway, if practicable, to prevent ice formation within the time set out in Table 1 to this section, starting from the time that the municipality determines is the appropriate time to deploy resources for that purpose. O. Reg. 366/18, s. 8.

(2) If the municipality meets the standards set out in subsection (1) and, despite such compliance, ice forms on a roadway, the roadway is deemed to be in a state of repair until the applicable time set out in Table 2 to this section expires after the municipality becomes aware of the fact that the roadway is icy. O. Reg. 366/18, s. 8.

(3) Subject to section 5.1, the standard for treating icy roadways is to treat the icy roadway within the time set out in Table 2 to this section, and all icy roadway is deemed to be in a state of repair until the applicable time set out in Table 2 to this section expires after the municipality becomes aware of the fact that the roadway is icy. O. Reg. 366/18, s. 8.

(4) For the purposes of this section, treating a roadway means applying material to the roadway, including but not limited to, salt, sand or any combination of salt and sand. O. Reg. 366/18, s. 8.

(5) For greater certainty, this section applies in respect of ice formation on bicycle lanes on a roadway, but does not apply to other types of bicycle facilities. O. Reg. 366/18, s. 8.

### TABLE 1

#### ICE FORMATION PREVENTION

<table>
<thead>
<tr>
<th>Class of Highway</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>6 hours</td>
</tr>
<tr>
<td>2</td>
<td>8 hours</td>
</tr>
<tr>
<td>3</td>
<td>16 hours</td>
</tr>
<tr>
<td>4</td>
<td>24 hours</td>
</tr>
<tr>
<td>5</td>
<td>24 hours</td>
</tr>
</tbody>
</table>

O. Reg. 366/18, s. 8.
TABLE 2
TREATMENT OF ICY ROADWAYS

<table>
<thead>
<tr>
<th>Class of Highway</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>3 hours</td>
</tr>
<tr>
<td>2</td>
<td>4 hours</td>
</tr>
<tr>
<td>3</td>
<td>8 hours</td>
</tr>
<tr>
<td>4</td>
<td>12 hours</td>
</tr>
<tr>
<td>5</td>
<td>16 hours</td>
</tr>
</tbody>
</table>

O. Reg. 366/18, s. 8.

Icy roadways, significant weather event

5.1 (1) If a municipality declares a significant weather event relating to ice, the standard for treating icy roadways until the declaration of the end of the significant weather event is,

(a) to monitor the weather in accordance with section 3.1; and

(b) if deemed practicable by the municipality, to deploy resources to treat icy roadways, starting from the time that the municipality deems appropriate to do so. O. Reg. 366/18, s. 8.

(2) If the municipality complies with subsection (1), all roadways within the municipality are deemed to be in a state of repair with respect to any ice which forms or may be present until the applicable time in Table 2 to section 5 expires after the declaration of the end of the significant weather event by the municipality. O. Reg. 366/18, s. 8.

(3) Following the end of the weather hazard in respect of which a significant weather event was declared by a municipality under subsection (1), the municipality shall,

(a) declare the end of the significant weather event when the municipality determines it is appropriate to do so; and

(b) treat icy roadways in accordance with section 5. O. Reg. 366/18, s. 8.

Potholes

6. (1) If a pothole exceeds both the surface area and depth set out in Table 1, 2 or 3 to this section, as the case may be, the standard is to repair the pothole within the time set out in Table 1, 2 or 3, as appropriate, after becoming aware of the fact. O. Reg. 239/02, s. 6 (1); O. Reg. 366/18, s. 8 (1).

(1.1) For the purposes of this section, the surface area and depth of a pothole may be determined in accordance with subsections (1.2) and (1.3), as applicable, by a municipal employee, agent or contractor whose duties or responsibilities include one or more of the following:

1. Patrolling highways.
2. Performing highway maintenance activities.
3. Supervising staff who perform activities described in paragraph 1 or 2. O. Reg. 366/18, s. 8 (2).

(1.2) The depth and surface area of a pothole may be determined by,

(a) performing an actual measurement; or

(b) performing a visual estimate. O. Reg. 366/18, s. 8 (2).

(1.3) For the purposes of this section, the surface area of a pothole does not include any area that is merely depressed and not yet broken fully through the surface of the roadway. O. Reg. 366/18, s. 8 (2).

(2) A pothole is deemed to be in a state of repair if its surface area or depth is less than or equal to that set out in Table 1, 2 or 3, as appropriate. O. Reg. 239/02, s. 6 (2); O. Reg. 47/13, s. 6.

TABLE 1
POTHOLE ON PAVED SURFACE OF ROADWAY

<table>
<thead>
<tr>
<th>Class of Highway</th>
<th>Surface Area</th>
<th>Depth</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>500 cm²</td>
<td>8 cm</td>
<td>4 days</td>
</tr>
<tr>
<td>2</td>
<td>800 cm²</td>
<td>8 cm</td>
<td>4 days</td>
</tr>
<tr>
<td>3</td>
<td>1000 cm²</td>
<td>8 cm</td>
<td>7 days</td>
</tr>
<tr>
<td>4</td>
<td>1000 cm²</td>
<td>8 cm</td>
<td>14 days</td>
</tr>
<tr>
<td>5</td>
<td>1000 cm²</td>
<td>8 cm</td>
<td>30 days</td>
</tr>
</tbody>
</table>

O. Reg. 239/02, s. 6, Table 1.
TABLE 2
POTHOLES ON NON-PAVED SURFACE OF ROADWAY

<table>
<thead>
<tr>
<th>Class of Highway</th>
<th>Surface Area</th>
<th>Depth</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>1500 cm²</td>
<td>8 cm</td>
<td>7 days</td>
</tr>
<tr>
<td>4</td>
<td>1500 cm²</td>
<td>10 cm</td>
<td>14 days</td>
</tr>
<tr>
<td>5</td>
<td>1500 cm²</td>
<td>12 cm</td>
<td>30 days</td>
</tr>
</tbody>
</table>

O. Reg. 239/02, s. 6, Table 2.

TABLE 3
POTHOLES ON PAVED OR NON-PAVED SURFACE OF SHOULDER

<table>
<thead>
<tr>
<th>Class of Highway</th>
<th>Surface Area</th>
<th>Depth</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1500 cm²</td>
<td>8 cm</td>
<td>7 days</td>
</tr>
<tr>
<td>2</td>
<td>1500 cm²</td>
<td>8 cm</td>
<td>7 days</td>
</tr>
<tr>
<td>3</td>
<td>1500 cm²</td>
<td>8 cm</td>
<td>14 days</td>
</tr>
<tr>
<td>4</td>
<td>1500 cm²</td>
<td>10 cm</td>
<td>30 days</td>
</tr>
<tr>
<td>5</td>
<td>1500 cm²</td>
<td>12 cm</td>
<td>60 days</td>
</tr>
</tbody>
</table>

O. Reg. 239/02, s. 6, Table 3.

Shoulder drop-offs
7. (1) If a shoulder drop-off is deeper than 8 cm, for a continuous distance of 20 metres or more, the standard is to repair the shoulder drop-off within the time set out in the Table to this section after becoming aware of the fact. O. Reg. 366/18, s. 9 (1).

(2) A shoulder drop-off is deemed to be in a state of repair if its depth is less than 8 cm. O. Reg. 366/18, s. 9 (1).

(3) In this section, “shoulder drop-off” means the vertical differential, where the paved surface of the roadway is higher than the surface of the shoulder, between the paved surface of the roadway and the paved or non-paved surface of the shoulder. O. Reg. 239/02, s. 7 (3).

TABLE
SHOULDER DROP-OFFS

<table>
<thead>
<tr>
<th>Class of Highway</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>4 days</td>
</tr>
<tr>
<td>2</td>
<td>4 days</td>
</tr>
<tr>
<td>3</td>
<td>7 days</td>
</tr>
<tr>
<td>4</td>
<td>14 days</td>
</tr>
<tr>
<td>5</td>
<td>30 days</td>
</tr>
</tbody>
</table>

O. Reg. 366/18, s. 9 (2).

Cracks
8. (1) If a crack on the paved surface of a roadway is greater than 5 cm wide and 5 cm deep for a continuous distance of three metres or more, the standard is to repair the crack within the time set out in the Table to this section after becoming aware of the fact. O. Reg. 366/18, s. 10 (1).

(2) A crack is deemed to be in a state of repair if its width or depth is less than or equal to 5 cm. O. Reg. 366/18, s. 10 (1).

TABLE
CRACKS

<table>
<thead>
<tr>
<th>Column 1 Class of Highway</th>
<th>Column 2 Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>30 days</td>
</tr>
<tr>
<td>2</td>
<td>30 days</td>
</tr>
<tr>
<td>3</td>
<td>60 days</td>
</tr>
<tr>
<td>4</td>
<td>180 days</td>
</tr>
<tr>
<td>5</td>
<td>180 days</td>
</tr>
</tbody>
</table>

O. Reg. 366/18, s. 10 (2).
Debris

9. (1) If there is debris on a roadway, the standard is to deploy resources, as soon as practicable after becoming aware of the fact, to remove the debris. O. Reg. 239/02, s. 9 (1); O. Reg. 366/18, s. 11.

(2) In this section,

"debris" means any material (except snow, slush or ice) or object on a roadway,

(a) that is not an integral part of the roadway or has not been intentionally placed on the roadway by a municipality, and

(b) that is reasonably likely to cause damage to a motor vehicle or to injure a person in a motor vehicle. O. Reg. 239/02, s. 9 (2); O. Reg. 47/13, s. 9.

Luminaires

10. (0.1) REVOKED: O. Reg. 366/18, s. 12.

(1) The standard for the frequency of inspecting all luminaires to check to see that they are functioning is once per calendar year, with each inspection taking place not more than 16 months from the previous inspection. O. Reg. 366/18, s. 12.

(2) For conventional illumination, if three or more consecutive luminaires on the same side of a highway are not functioning, the standard is to repair the luminaires within the time set out in the Table to this section after becoming aware of the fact. O. Reg. 366/18, s. 12.

(3) For conventional illumination and high mast illumination, if 30 per cent or more of the luminaires on any kilometre of highway are not functioning, the standard is to repair the luminaires within the time set out in the Table to this section after becoming aware of the fact. O. Reg. 366/18, s. 12.

(4) Despite subsection (2), for high mast illumination, if all of the luminaires on consecutive poles on the same side of a highway are not functioning, the standard is to deploy resources as soon as practicable after becoming aware of the fact to repair the luminaires. O. Reg. 366/18, s. 12.

(5) Despite subsections (1), (2) and (3), for conventional illumination and high mast illumination, if more than 50 per cent of the luminaires on any kilometre of a Class 1 highway with a speed limit of 90 kilometres per hour or more are not functioning, the standard is to deploy resources as soon as practicable after becoming aware of the fact to repair the luminaires. O. Reg. 366/18, s. 12.

(6) Luminaires are deemed to be in a state of repair,

(a) for the purpose of subsection (2), if the number of non-functioning consecutive luminaires on the same side of a highway does not exceed two;

(b) for the purpose of subsection (3), if more than 70 per cent of luminaires on any kilometre of highway are functioning;

(c) for the purpose of subsection (4), if one or more of the luminaires on consecutive poles on the same side of a highway are functioning;

(d) for the purpose of subsection (5), if more than 50 per cent of luminaires on any kilometre of highway are functioning. O. Reg. 366/18, s. 12.

(7) In this section,

"conventional illumination" means lighting, other than high mast illumination, where there are one or more luminaires per pole;

"high mast illumination" means lighting where there are three or more luminaires per pole and the height of the pole exceeds 20 metres,

"luminaire" means a complete lighting unit consisting of,

(a) a lamp, and

(b) parts designed to distribute the light, to position or protect the lamp and to connect the lamp to the power supply. O. Reg. 239/02, s. 10 (7).

<table>
<thead>
<tr>
<th>CLASS OF HIGHWAY</th>
<th>TIME</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>7 days</td>
</tr>
<tr>
<td>2</td>
<td>7 days</td>
</tr>
<tr>
<td>3</td>
<td>14 days</td>
</tr>
<tr>
<td>4</td>
<td>14 days</td>
</tr>
<tr>
<td>5</td>
<td>14 days</td>
</tr>
</tbody>
</table>

8
Spect.

11. (0.1) The standard for the frequency of inspecting signs of a type listed in subsection (2) to check to see that they meet the retro-reflectivity requirements of the Ontario Traffic Manual is once per calendar year, with each inspection taking place not more than 16 months from the previous inspection. O. Reg. 23/10, s. 7 (1); O. Reg. 47/13, s. 11 (1); O. Reg. 366/18, s. 13.

(0.2) A sign that has been inspected in accordance with subsection (0.1) is deemed to be in a state of repair with respect to the retro-reflectivity requirements of the Ontario Traffic Manual until the next inspection in accordance with that subsection, provided that the municipality does not acquire actual knowledge that the sign has ceased to meet these requirements. O. Reg. 47/13, s. 11 (2).

(1) If any sign of a type listed in subsection (2) is illegible, improperly oriented, obscured or missing, the standard is to deploy resources as soon as practicable after becoming aware of the fact to repair or replace the sign. O. Reg. 239/02, s. 11 (1); O. Reg. 23/10, s. 7 (2); O. Reg. 366/18, s. 13.

(2) This section applies to the following types of signs:

1. Checkerboard.
2. Curve sign with advisory speed tab.
3. Do not enter.
4. Load Restricted Bridge.
5. Low Bridge.
6. Low Bridge Ahead.
7. One Way.
8. School Zone Speed Limit.
9. Stop.
10. Stop Ahead.
14. Wrong Way.
15. Yield.
17. Yield Ahead.
18. Yield Ahead. O. Reg. 239/02, s. 11 (2); O. Reg. 23/10, s. 7 (3).

Regulatory or warning signs

12. (1) The standard for the frequency of inspecting regulatory signs or warning signs to check to see that they meet the retro-reflectivity requirements of the Ontario Traffic Manual is once per calendar year, with each inspection taking place not more than 16 months from the previous inspection. O. Reg. 23/10, s. 8; O. Reg. 47/13, s. 12 (1); O. Reg. 366/18, s. 13.

(1.1) A regulatory sign or warning sign that has been inspected in accordance with subsection (1) is deemed to be in a state of repair with respect to the retro-reflectivity requirements of the Ontario Traffic Manual until the next inspection in accordance with that subsection, provided that the municipality does not acquire actual knowledge that the sign has ceased to meet these requirements. O. Reg. 47/13, s. 12 (2).

(2) If a regulatory sign or warning sign is illegible, improperly oriented, obscured or missing, the standard is to repair or replace the sign within the time set out in the Table to this section after becoming aware of the fact. O. Reg. 23/10, s. 8; O. Reg. 366/18, s. 13.

(3) In this section, “regulatory sign” and “warning sign” have the same meanings as in the Ontario Traffic Manual, except that they do not include a sign listed in subsection 11 (2) of this Regulation. O. Reg. 23/10, s. 8.

<table>
<thead>
<tr>
<th>Class of Highway</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>7 days</td>
</tr>
<tr>
<td>2</td>
<td>14 days</td>
</tr>
</tbody>
</table>

TABLE

REGULATORY AND WARNING SIGNS
Traffic control signal systems

13. (1) If a traffic control signal system is defective in any way described in subsection (2), the standard is to deploy resources as soon as practicable after becoming aware of the defect to repair the defect or replace the defective component of the traffic control signal system. O. Reg. 239/02, s. 13(1); O. Reg. 366/18, s. 13.

(2) This section applies if a traffic control signal system is defective in any of the following ways:

1. One or more displays show conflicting signal indications.
2. The angle of a traffic control signal or pedestrian control indication has been changed in such a way that the traffic or pedestrian facing it does not have clear visibility of the information conveyed or that it conveys confusing information to traffic or pedestrians facing other directions.
3. A phase required to allow a pedestrian or vehicle to safely travel through an intersection fails to occur.
4. There are phase or cycle timing errors interfering with the ability of a pedestrian or vehicle to safely travel through an intersection.
5. There is a power failure in the traffic control signal system.
6. The traffic control signal system cabinet has been displaced from its proper position.
7. There is a failure of any of the traffic control signal support structures.
8. A signal lamp or a pedestrian control indication is not functioning.
9. Signals are flashing when flashing mode is not a part of the normal signal operation. O. Reg. 239/02, s. 13 (2).

(3) Despite subsection (1) and paragraph 8 of subsection (2), if the posted speed of all approaches to the intersection or location of the non-functioning signal lamp or pedestrian control indication is less than 80 kilometres per hour and the signal that is not functioning is a green or a pedestrian “walk” signal, the standard is to repair or replace the defective component by the end of the next business day. O. Reg. 239/02, s. 13 (3); O. Reg. 366/18, s. 13.

(4) In this section and section 14,
“cycle” means a complete sequence of traffic control indications at a location;
“display” means the illuminated and non-illuminated signals facing the traffic;
“indication” has the same meaning as in the Highway Traffic Act;
“phase” means a part of a cycle from the time where one or more traffic directions receive a green indication to the time where one or more different traffic directions receive a green indication;
“power failure” means a reduction in power or a loss in power preventing the traffic control signal system from operating as intended;
“traffic control signal” has the same meaning as in the Highway Traffic Act.
“traffic control signal system” has the same meaning as in the Highway Traffic Act. O. Reg. 239/02, s. 13 (4).

Traffic control signal system sub-systems

14. (1) The standard is to inspect, test and maintain the following traffic control signal system sub-systems once per calendar year, with each inspection taking place not more than 16 months from the previous inspection:

1. The display sub-system, consisting of traffic signal and pedestrian crossing heads, physical support structures and support cables.
2. The traffic control sub-system, including the traffic control signal cabinet and internal devices such as timer, detection devices and associated hardware, but excluding conflict monitors.
3. The external detection sub-system, consisting of detection sensors for all vehicles, including emergency and railway vehicles and pedestrian push-buttons. O. Reg. 239/02, s. 14 (1); O. Reg. 47/13, s. 13 (1); O. Reg. 366/18, s. 13.

(1.1) A traffic control signal system sub-system that has been inspected, tested and maintained in accordance with subsection (1) is deemed to be in a state of repair until the next inspection in accordance with that subsection, provided that the municipality does not acquire actual knowledge that the traffic control signal system sub-system has ceased to be in a state of repair. O. Reg. 47/13, s. 13 (2).

(2) The standard is to inspect, test and maintain conflict monitors every five to seven months and at least twice per calendar year. O. Reg. 239/02, s. 14 (2); O. Reg. 47/13, s. 13 (3); O. Reg. 366/18, s. 13.
(2.1) A conflict monitor that has been inspected, tested and maintained in accordance with subsection (2) is deemed to be in a state of repair until the next inspection in accordance with that subsection, provided that the municipality does not acquire actual knowledge that the conflict monitor has ceased to be in a state of repair. O. Reg. 47/13, s. 13(4).

(3) In this section, “conflict monitor” means a device that continually checks for conflicting signal indications and responds to a conflict by emitting a signal. O. Reg. 239/02, s. 14(3).

**Bridge deck spalls**

15. (1) If a bridge deck spall exceeds both the surface area and depth set out in the Table to this section, the standard is to repair the bridge deck spall within the time set out in the Table after becoming aware of the fact. O. Reg. 239/02, s. 15 (1); O. Reg. 366/18, s. 13.

(2) A bridge deck spall is deemed to be in a state of repair if its surface area or depth is less than or equal to that set out in the Table. O. Reg. 239/02, s. 15 (2); O. Reg. 47/13, s. 14.

(3) In this section, “bridge deck spall” means a cavity left by one or more fragments detaching from the paved surface of the roadway or shoulder of a bridge. O. Reg. 239/02, s. 15 (3).

<table>
<thead>
<tr>
<th>Class of Highway</th>
<th>Surface Area</th>
<th>Depth</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>600 cm²</td>
<td>8 cm</td>
<td>4 days</td>
</tr>
<tr>
<td>2</td>
<td>800 cm²</td>
<td>8 cm</td>
<td>4 days</td>
</tr>
<tr>
<td>3</td>
<td>1,000 cm²</td>
<td>8 cm</td>
<td>7 days</td>
</tr>
<tr>
<td>4</td>
<td>1,000 cm²</td>
<td>8 cm</td>
<td>7 days</td>
</tr>
<tr>
<td>5</td>
<td>1,000 cm²</td>
<td>8 cm</td>
<td>7 days</td>
</tr>
</tbody>
</table>

O. Reg. 239/02, s. 15, Table.

**Roadway surface discontinuities**

16. (1) If a surface discontinuity on a roadway, other than a surface discontinuity on a bridge deck, exceeds the height set out in the Table to this section, the standard is to repair the surface discontinuity within the time set out in the Table after becoming aware of the fact. O. Reg. 23/10, s. 9; O. Reg. 366/18, s. 13.

(1.1) A surface discontinuity on a roadway, other than a surface discontinuity on a bridge deck, is deemed to be in a state of repair if its height is less than or equal to the height set out in the Table to this section. O. Reg. 47/13, s. 15.

(2) If a surface discontinuity on a bridge deck exceeds five centimetres, the standard is to deploy resources as soon as practicable after becoming aware of the fact to repair the surface discontinuity on the bridge deck. O. Reg. 23/10, s. 9; O. Reg. 366/18, s. 13.

(2.1) A surface discontinuity on a bridge deck is deemed to be in a state of repair if its height is less than or equal to five centimetres. O. Reg. 47/13, s. 15.

(3) In this section, “surface discontinuity” means a vertical discontinuity creating a step formation at joints or cracks in the paved surface of the roadway, including bridge deck joints, expansion joints and approach slabs to a bridge. O. Reg. 23/10, s. 9.

<table>
<thead>
<tr>
<th>Class of Highway</th>
<th>Height</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>5 cm</td>
<td>2 days</td>
</tr>
<tr>
<td>2</td>
<td>5 cm</td>
<td>2 days</td>
</tr>
<tr>
<td>3</td>
<td>5 cm</td>
<td>7 days</td>
</tr>
<tr>
<td>4</td>
<td>5 cm</td>
<td>21 days</td>
</tr>
<tr>
<td>5</td>
<td>5 cm</td>
<td>21 days</td>
</tr>
</tbody>
</table>

O. Reg. 239/02, s. 16, Table.

**Sidewalk surface discontinuities**

16.1 (1) The standard for the frequency of inspecting sidewalks to check for surface discontinuity is once per calendar year, with each inspection taking place not more than 16 months from the previous inspection. O. Reg. 23/10, s. 10; O. Reg. 47/13, s. 16 (1); O. Reg. 366/18, s. 13.
(1.1) A sidewalk that has been inspected in accordance with subsection (1) is deemed to be in a state of repair with respect to any surface discontinuity until the next inspection in accordance with that subsection, provided that the municipality does not acquire actual knowledge of the presence of a surface discontinuity in excess of two centimetres. O. Reg. 47/13, s. 16 (2).

(2) If a surface discontinuity on or within a sidewalk exceeds two centimetres, the standard is to treat the surface discontinuity within 14 days after acquiring actual knowledge of the fact. O. Reg. 366/18, s. 14.

(2.1) Repealed: O. Reg. 366/18, s. 14.

(3) A surface discontinuity on or within a sidewalk is deemed to be in a state of repair if it is less than or equal to two centimetres. O. Reg. 366/18, s. 14.

(4) For the purpose of subsection (2), treating a surface discontinuity on or within a sidewalk means taking reasonable measures to protect users of the sidewalk from the discontinuity, including making permanent or temporary repairs, alerting users’ attention to the discontinuity or preventing access to the area of discontinuity. O. Reg. 366/18, s. 14.

(5) In this section, “surface discontinuity” means a vertical discontinuity creating a step formation at any joint or crack in the surface of the sidewalk or any vertical height difference between a utility appurtenance found on or within the sidewalk and the surface of the sidewalk. O. Reg. 366/18, s. 14.

Encroachments, area adjacent to sidewalks

16.2 (1) The standard for the frequency of inspecting an area adjacent to a sidewalk to check for encroachments is once per calendar year, with each inspection taking place not more than 16 months from the previous inspection. O. Reg. 366/18, s. 15.

(2) The area adjacent to a sidewalk that has been inspected in accordance with subsection (1) is deemed to be in a state of repair in respect of any encroachment present. O. Reg. 366/18, s. 15.

(3) For greater certainty, the area adjacent to a sidewalk begins at the outer edges of a sidewalk and ends at the lesser of the limit of the highway, the back edge of a curb if there is a curb and a maximum of 45 cm. O. Reg. 366/18, s. 15.

(4) The area adjacent to a sidewalk is deemed to be in a state of repair in respect of any encroachment present unless the encroachment is determined by a municipality to be highly unusual given its character and location or to constitute a significant hazard to pedestrians. O. Reg. 366/18, s. 15.

(5) If a municipality determines that an encroachment is highly unusual given its character and location or constitutes a significant hazard to pedestrians, the standard is to treat the encroachment within 28 days after making such a determination, and the encroachment is deemed to be in a state of repair for 28 days from the time of the determination by the municipality. O. Reg. 366/18, s. 15.

(6) For the purpose of subsection (4), treating an encroachment means taking reasonable measures to protect users, including making permanent or temporary repairs, alerting users’ attention to the encroachment or preventing access to the area of the encroachment. O. Reg. 366/18, s. 15.

Snow accumulation on sidewalks

16.3 (1) Subject to section 16.4, the standard for addressing snow accumulation on a sidewalk after the snow accumulation has ended is,

a) to reduce the snow to a depth less than or equal to 8 centimetres within 48 hours; and
b) to provide a minimum sidewalk width of 1 metre. O. Reg. 366/18, s. 15.

(2) If the depth of snow accumulation on a sidewalk is less than or equal to 8 centimetres, the sidewalk is deemed to be in a state of repair in respect of snow accumulation. O. Reg. 366/18, s. 15.

(3) If the depth of snow accumulation on a sidewalk exceeds 8 centimetres while the snow continues to accumulate, the sidewalk is deemed to be in a state of repair with respect to snow accumulation until 48 hours after the snow accumulation ends. O. Reg. 366/18, s. 15.

(4) For the purposes of this section, the depth of snow accumulation on a sidewalk may be determined in the same manner as set out in subsection 4 (4) and by the persons mentioned in subsection 4 (3) with necessary modifications. O. Reg. 366/18, s. 15.

(5) For the purposes of this section, addressing snow accumulation on a sidewalk includes,

a) plowing the sidewalk;
b) salting the sidewalk;
c) applying abrasive materials to the sidewalk;
(d) applying other chemical or organic agents to the sidewalk; or
(e) any combination of the methods described in clauses (a) to (d). O. Reg. 366/18, s. 15.
Snow accumulation on sidewalks, significant weather event

16.4 (1) If a municipality declares a significant weather event relating to snow accumulation, the standard for addressing snow accumulation on sidewalks until the declaration of the end of the significant weather event is,

(a) to monitor the weather in accordance with section 3.1; and
(b) if deemed practicable by the municipality, to deploy resources to address snow accumulation on sidewalks starting from the time that the municipality deems appropriate to do so. O. Reg. 366/18, s. 15.

(2) If the municipality complies with subsection (1), all sidewalks within the municipality are deemed to be in a state of repair with respect to any snow present until 48 hours following the declaration of the end of the significant weather event by the municipality. O. Reg. 366/18, s. 15.

(3) Following the end of the weather hazard in respect of which a significant weather event was declared by a municipality under subsection (1), the municipality shall,

(a) declare the end of the significant weather event when the municipality determines it is appropriate to do so; and
(b) address snow accumulation on sidewalks in accordance with section 16.3. O. Reg. 366/18, s. 15.

Ice formation on sidewalks and icy sidewalks

16.5 (1) Subject to section 16.6, the standard for the prevention of ice formation on sidewalks is to

(a) monitor the weather in accordance with section 3.1 in the 24-hour period preceding an alleged formation of ice on a sidewalk; and
(b) treat the sidewalk if practicable to prevent ice formation or improve traction within 48 hours if the municipality determines that there is a substantial probability of ice forming on a sidewalk, starting from the time that the municipality determines is the appropriate time to deploy resources for that purpose. O. Reg. 366/18, s. 15.

(2) If ice forms on a sidewalk even though the municipality meets the standard set out in subsection (1), the sidewalk is deemed to be in a state of repair in respect of ice until 48 hours after the municipality first becomes aware of the fact that the sidewalk is icy. O. Reg. 366/18, s. 15.

(3) The standard for treating icy sidewalks after the municipality becomes aware of the fact that a sidewalk is icy is to treat the icy sidewalk within 48 hours, and an icy sidewalk is deemed to be in a state of repair for 48 hours after it has been treated. O. Reg. 366/18, s. 15.

(4) For the purposes of this section, treating a sidewalk means applying materials including salt, sand or any combination of salt and sand to the sidewalk. O. Reg. 366/18, s. 15.

Icy sidewalks, significant weather event

16.6 (1) If a municipality declares a significant weather event relating to ice, the standard for addressing ice formation or ice on sidewalks until the declaration of the end of the significant weather event is,

(a) to monitor the weather in accordance with section 3.1; and
(b) if deemed practicable by the municipality, to deploy resources to treat the sidewalks to prevent ice formation or improve traction, or treat the icy sidewalks, starting from the time that the municipality deems appropriate to do so. O. Reg. 366/18, s. 15.

(2) If the municipality complies with subsection (1), all sidewalks within the municipality are deemed to be in a state of repair with respect to any ice which forms or is present until 48 hours after the declaration of the end of the significant weather event by the municipality. O. Reg. 366/18, s. 15.

(3) Following the end of the weather hazard in respect of which a significant weather event was declared by a municipality under subsection (1), the municipality shall,

(a) declare the end of the significant weather event when the municipality determines it is appropriate to do so; and
(b) address the prevention of ice formation on sidewalks or treat icy sidewalks in accordance with section 16.5. O. Reg. 366/18, s. 15.

Winter sidewalk patrol

16.7 (1) If it is determined by the municipality that the weather monitoring referred to in section 3.1 indicates that there is a substantial probability of snow accumulation on sidewalks in excess of 8 cm, ice formation on sidewalks or icy sidewalks, the standard for patrolling sidewalks is to patrol sidewalks that the municipality selects as representative of its sidewalks at intervals deemed necessary by the municipality. O. Reg. 366/18, s. 15.

(2) Patrolling a sidewalk consists of visually observing the sidewalk, either by driving or walking on the sidewalk or by electronically monitoring the sidewalk, and may be performed by persons responsible for patrolling roadways or sidewalks or by persons responsible for or performing roadway or sidewalk maintenance activities. O. Reg. 366/18, s. 15.
Closure of a highway

16.8 (1) When a municipality closes a highway or part of a highway pursuant to its powers under the Act, the highway is deemed to be in a state of repair in respect of all conditions described in this Regulation from the time of the closure until the highway is re-opened by the municipality. O. Reg. 366/18, s. 15.

(2) For the purposes of subsection (1), a highway or part of a highway is closed on the earlier of,

(a) when a municipality passes a by-law to close the highway or part of the highway; and

(b) when a municipality has taken such steps as it determines necessary to temporarily close the highway or part of a highway. O. Reg. 366/18, s. 15.

Declaration of significant weather event

16.9. A municipality declaring the beginning of a significant weather event or declaring the end of a significant weather event under this Regulation shall do so in one or more of the following ways:

1. By posting a notice on the municipality’s website.
2. By making an announcement on a social media platform, such as Facebook or Twitter.
3. By sending a press release or similar communication to internet, newspaper, radio or television media.
4. By notification through the municipality’s police service.
5. By any other notification method required in a by-law of the municipality. O. Reg. 366/18, s. 15.

REVIEW OF REGULATION

Review

17. (1) The Minister of Transportation shall conduct a review of this Regulation and Ontario Regulation 612/06 (Minimum Maintenance Standards for Highways in the City of Toronto) made under the City of Toronto Act, 2006 every five years. O. Reg. 613/06, s. 2.

(2) Despite subsection (1), the first review after the completion of the review started before the end of 2007 shall be started five years after the day Ontario Regulation 23/10 is filed. O. Reg. 23/10, s. 11.

18. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION). O. Reg. 239/02, s. 18.
ONTARIO REGULATION 366/18
made under the
MUNICIPAL ACT, 2001

Made: May 2, 2018
Filed: May 3, 2018
Published on e-Laws: May 3, 2018
Printed in The Ontario Gazette: May 19, 2018

Amending O. Reg. 239/02
(MINIMUM MAINTENANCE STANDARDS FOR MUNICIPAL HIGHWAYS)

1. (1) The definition of “surface” in subsection 1 (1) of Ontario Regulation 239/02 is amended by striking out “roadway or shoulder” and substituting “sidewalk, roadway or shoulder”.

(2) Subsection 1 (1) of the Regulation is amended by adding the following definitions:
“bicycle facility” means the on-road and in-boulevard cycling facilities listed in Book 18 of the Ontario Traffic Manual;
“bicycle lane" means,
(a) a portion of a roadway that has been designated by pavement markings or signage for the preferential or exclusive use of cyclists, or
(b) a portion of a roadway that has been designated for the exclusive use of cyclists by signage and a physical or marked buffer;
“energym” means anything that is placed, installed, constructed or planted within the highway that was not placed, installed, constructed or planted by the municipality;
“pohole” means a hole in the surface of a roadway caused by any means, including wear or subsidence of the road surface or subsurface;
"sidewalk” means the part of the highway specifically set aside or commonly understood to be for pedestrian use, typically consisting of a paved surface but does not include crosswalks, medians, boulevards, shoulders or any part of the sidewalk where cleared snow has been deposited;
“significant weather event” means an approaching or occurring weather hazard with the potential to pose a significant danger to users of the highways within a municipality;
“utility” includes any air, gas, water, electricity, cable, fiber-optic, telecommunication or traffic control system or subsystem, fire hydrants, sanitary sewers, storm sewers, property bars and survey monuments;
“utility appurtenance” includes maintenance holes and hole covers, water shut-off covers and boxes, valves, fittings, vaults, braces, pipes, pedestals, and any other structures or items that form part of or are an accessory part of any utility;
“weather hazard” means the weather hazards determined by Environment Canada as meeting the criteria for the issuance of an alert under its Public Weather Alerting Program.

(3) Subsections 1 (2) and (3) of the Regulation are amended by striking out “annual” wherever it appears.

(4) Subsection 1 (4) of the Regulation is revoked and the following substituted:

(4) For the purposes of this Regulation, unless otherwise indicated in a provision of this Regulation, a municipality is deemed to be aware of a fact if, in the absence of actual knowledge of the fact, circumstances are such that the municipality ought reasonably to be aware of the fact.

(5) The Table to section 1 of the Regulation is revoked and the following substituted:

<table>
<thead>
<tr>
<th>Column 1: Average Daily Traffic (number of motor vehicles)</th>
<th>Column 2: 81 - 90 km/h speed limit</th>
<th>Column 3: 71 - 80 km/h speed limit</th>
<th>Column 4: 61 - 70 km/h speed limit</th>
<th>Column 5: 51 - 60 km/h speed limit</th>
<th>Column 6: 41 - 50 km/h speed limit</th>
<th>Column 7: 1 - 40 km/h speed limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>53,000 or more</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>23,000 - 52,999</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>15,000 - 22,999</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>3</td>
<td>3</td>
</tr>
</tbody>
</table>
2. The Regulation is amended by adding the following section:

**Purpose**

2.1 The purpose of this Regulation is to clarify the scope of the statutory defence available to a municipality under clause 44 (3) (c) of the Act by establishing maintenance standards which are non-prescriptive as to the methods or materials to be used in complying with the standards but instead describe a desired outcome.

3. (1) The heading before section 3 of the Regulation is amended by striking out “MINIMUM” and substituting “MAINTENANCE”.

(2) Subsections 3 (1) and (2) of the Regulation are amended by striking out “minimum” wherever it appears.

(3) Subsection 3 (4) of the Regulation is amended by striking out “section 16.1” and substituting “section 16.1, 16.2, 16.3 or 16.4”.

4. Subsections 3.1 (1) and (2) of the Regulation are amended by striking out “minimum” wherever it appears.

5. (1) Subsection 4 (1) of the Regulation is amended by striking out the portion before clause (a) and substituting the following:

Snow accumulation, roadways

(1) Subject to section 4.1, the standard for addressing snow accumulation on roadways is,

(2) Subsection 4 (3) of the Regulation is amended by adding “and, if applicable, lane width under clause (1) (b),” after “roadway” in the portion before paragraph 1.

(3) Subsection 4 (4) of the Regulation is amended by adding “and lane width” after “roadway” in the portion before clause (a).

(4) Subsections 4 (5) and (6) of the Regulation are revoked and the following substituted:

(5) For the purposes of this section, addressing snow accumulation on a roadway includes,

(a) plowing the roadway;

(b) salting the roadway;

(c) applying abrasive materials to the roadway;

(d) applying other chemical or organic agents to the roadway;

(e) any combination of the methods described in clauses (a) to (d);

(6) This section does not apply to that portion of the roadway,

(a) designated for parking;

(b) consisting of a bicycle lane or other bicycle facility; or

(d) used by a municipality for snow storage;

(5) The heading of the Table to section 4 of the Regulation is revoked and the following substituted:

**SNOW ACCUMULATION - ROADWAYS**

7. The Regulation is amended by adding the following sections:
Snow accumulation on roadways, significant weather event

4.1 (1) If a municipality declares a significant weather event relating to snow accumulation, the standard for addressing snow accumulation on roadways until the declaration of the end of the significant weather event is,

(a) to monitor the weather in accordance with section 3.1; and

(b) if deemed practicable by the municipality, to deploy resources to address snow accumulation on roadways, starting from the time that the municipality deems appropriate to do so.

(2) If the municipality complies with subsection (1), all roadways within the municipality are deemed to be in a state of repair with respect to snow accumulation until the applicable time in the Table to section 4 expires following the declaration of the end of the significant weather event by the municipality.

(3) Following the end of the weather event in respect of which a significant weather event was declared by a municipality under subsection (1), the municipality shall,

(a) declare the end of the significant weather event when the municipality determines it is appropriate to do so; and

(b) address snow accumulation on roadways in accordance with section 4.

Snow accumulation, bicycle lanes

4.2 (1) Subject to section 4.3, the standard for addressing snow accumulation on bicycle lanes is,

(a) after becoming aware of the fact that the snow accumulation on a bicycle lane is greater than the depth set out in the Table to this section, to deploy resources as soon as practicable to address the snow accumulation; and

(b) after the snow accumulation has ended, to address the snow accumulation so as to reduce the snow to a depth less than or equal to the depth set out in the Table to this section to provide a minimum bicycle lane width of the lesser of 1 metre or the actual bicycle lane width.

(2) If the depth of snow accumulation on a bicycle lane is less than or equal to the depth set out in the Table to this section, the bicycle lane is deemed to be in a state of repair in respect of snow accumulation.

(3) For the purposes of this section, the depth of snow accumulation on a bicycle lane and, if applicable, lane width under clause (1), may be determined in the same manner as set out in subsection 4 (4) and by the persons mentioned in subsection 4 (3), with necessary modifications.

(4) For the purposes of this section, addressing snow accumulation on a bicycle lane includes,

(a) plowing the bicycle lane;

(b) salting the bicycle lane;

(c) applying abrasive materials to the bicycle lane;

(d) applying other chemical or organic agents to the bicycle lane;

(e) sweeping the bicycle lane; or

(f) any combination of the methods described in clauses (a) to (e).

TABLE

<table>
<thead>
<tr>
<th>SNOW ACCUMULATION – BICYCLE LANES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Column 1</td>
</tr>
<tr>
<td>Class of Highway or Adjacent Highway</td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>4</td>
</tr>
<tr>
<td>5</td>
</tr>
</tbody>
</table>

Snow accumulation on bicycle lanes, significant weather event

4.3 (1) If a municipality declares a significant weather event relating to snow accumulation, the standard for addressing snow accumulation on bicycle lanes until the declaration of the end of the significant weather event is,

(a) to monitor the weather in accordance with section 3.1; and
(b) if deemed practicable by the municipality, to deploy resources to address snow accumulation on bicycle lanes, starting from the time that the municipality deems appropriate to do so.

(2) If the municipality complies with subsection (1), all bicycle lanes within the municipality are deemed to be in a state of repair with respect to snow accumulation until the applicable time in the Table to section 4.2 expires following the declaration of the end of the significant weather event by the municipality.

(3) Following the end of the weather hazard in respect of which a significant weather event was declared by a municipality under subsection (1), the municipality shall,

(a) declare the end of the significant weather event when the municipality determines it is appropriate to do so; and

(b) address snow accumulation on bicycle lanes in accordance with section 4.2.

8. Section 5 of the Regulation is revoked and the following substituted:

Ice formation on roadways and icy roadways

5. (1) The standard for the prevention of ice formation on roadways is doing the following in the 24-hour period preceding an alleged formation of ice on a roadway:

1. Monitor the weather in accordance with section 3.1.

2. Patrol in accordance with section 3.

3. If the municipality determines, as a result of its activities under paragraph 1 or 2, that there is a substantial probability of ice forming on a roadway, treat the roadway, if practicable, to prevent ice formation within the time set out in Table 1 to this section, starting from the time that the municipality determines the appropriate time to deploy resources for that purpose.

(2) If the municipality meets the standard set out in subsection (1) and, despite such compliance, ice forms on a roadway, the roadway is deemed to be in a state of repair until the applicable time set out in Table 2 to this section expires after the municipality becomes aware of the fact that the roadway is icy.

(3) Subject to section 5.1, the standard for treating icy roadways is to treat the icy roadway within the time set out in Table 2 to this section expires after the municipality becomes aware of the fact that a roadway is icy.

(4) For the purposes of this section, treating a roadway means applying material to the roadway, including but not limited to, salt, sand or any combination of salt and sand.

(5) For greater certainty, this section applies in respect of ice formation on bicycle lanes on a roadway, but does not apply to other types of bicycle facilities.

<table>
<thead>
<tr>
<th>Class of Highway</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>6 hours</td>
</tr>
<tr>
<td>2</td>
<td>8 hours</td>
</tr>
<tr>
<td>3</td>
<td>16 hours</td>
</tr>
<tr>
<td>4</td>
<td>24 hours</td>
</tr>
<tr>
<td>5</td>
<td>24 hours</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Class of Highway</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>3 hours</td>
</tr>
<tr>
<td>2</td>
<td>4 hours</td>
</tr>
<tr>
<td>3</td>
<td>8 hours</td>
</tr>
<tr>
<td>4</td>
<td>12 hours</td>
</tr>
<tr>
<td>5</td>
<td>16 hours</td>
</tr>
</tbody>
</table>

Icy roadways, significant weather event

5.1 (1) If a municipality declares a significant weather event relating to ice, the standard for treating icy roadways until the declaration of the end of the significant weather event is:

(a) to monitor the weather in accordance with section 3.1; and
8. (1) Subsection 6 (1) of the Regulation is amended by striking out “minimum”.

(2) Section 6 of the Regulation is amended by adding the following subsections:

(1.1) For the purposes of this section, the surface area and depth of a pothole may be determined in accordance with subsections (1.2) and (1.3), as applicable, by a municipal employee, agent or contractor whose duties or responsibilities include one or more of the following:

1. Patrolling highways.
2. Performing highway maintenance activities.
3. Supervising staff who perform activities described in paragraph 1 or 2.

(1.2) The depth and surface area of a pothole may be determined by:

(a) performing an actual measurement; or
(b) performing a visual estimate.

(1.3) For the purposes of this section, the surface area of a pothole does not include any area that is merely depressed and not yet broken fully through the surface of the roadway.

9. (1) Subsections 7 (1) and (2) of the Regulation are revoked and the following substituted:

Shoulder drop-offs

(1) If a shoulder drop-off is deeper than 8 cm, for a continuous distance of 20 metres or more, the standard is to repair the shoulder drop-off within the time set out in the Table to this section after becoming aware of the fact.

(2) A shoulder drop-off is deemed to be in a state of repair if its depth is less than 8 cm.

(2) The Table to section 7 of the Regulation is revoked and the following substituted:

<table>
<thead>
<tr>
<th>CLASS OF HIGHWAY</th>
<th>TIME</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>14 days</td>
</tr>
<tr>
<td>2</td>
<td>7 days</td>
</tr>
<tr>
<td>3</td>
<td>30 days</td>
</tr>
</tbody>
</table>

10. (1) Subsections 8 (1) and (2) of the Regulation are revoked and the following substituted:

Cracks

(1) If a crack on the paved surface of a roadway is greater than 5 cm wide and 5 cm deep for a continuous distance of three metres or more, the standard is to repair the crack within the time set out in the Table to this section after becoming aware of the fact.

(2) A crack is deemed to be in a state of repair if its width or depth is less than or equal to 5 cm.

(2) The Table to section 8 of the Regulation is revoked and the following substituted:

<table>
<thead>
<tr>
<th>CLASS OF HIGHWAY</th>
<th>TIME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Column 1</td>
<td>Column 2</td>
</tr>
<tr>
<td>Class of Highway</td>
<td>Time</td>
</tr>
</tbody>
</table>
11. Subsection 9 (1) of the Regulation is amended by striking out “minimum”.

12. Subsections 10 (0.1), (1), (2), (3), (4), (5) and (6) of the Regulation are revoked and the following substituted:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>30 days</td>
</tr>
<tr>
<td>2</td>
<td>30 days</td>
</tr>
<tr>
<td>3</td>
<td>60 days</td>
</tr>
<tr>
<td>4</td>
<td>180 days</td>
</tr>
<tr>
<td>5</td>
<td>180 days</td>
</tr>
</tbody>
</table>

Luminaires

(1) The standard for the frequency of inspecting all luminaires to check to see that they are functioning once per calendar year, with each inspection taking place not more than 16 months from the previous inspection.

(2) For conventional illumination, if three or more consecutive luminaires on the same side of a highway are not functioning, the standard is to repair the luminaires within the time set out in the Table to this section after becoming aware of the fact.

(3) For conventional illumination and high mast illumination, if 30 per cent or more of the luminaires on any kilometre of highway are not functioning, the standard is to repair the luminaires within the time set out in the Table to this section after becoming aware of the fact.

(4) Despite subsection (2), for high mast illumination, if all of the luminaires on consecutive poles on the same side of a highway are not functioning, the standard is to deploy resources as soon as practicable after becoming aware of the fact to repair the luminaires.

(5) Despite subsections (1), (2) and (3), for conventional illumination and high mast illumination, if more than 50 per cent of the luminaires on any kilometre of a Class 1 highway with a speed limit of 90 kilometres per hour or more are not functioning, the standard is to deploy resources as soon as practicable after becoming aware of the fact to repair the luminaires.

(6) Luminaires are deemed to be in a state of repair,

(a) for the purpose of subsection (2), if the number of non-functioning consecutive luminaires on the same side of a highway does not exceed two;

(b) for the purpose of subsection (3), if more than 70 per cent of luminaires on any kilometre of highway are functioning;

(c) for the purpose of subsection (4), if one or more of the luminaires on consecutive poles on the same side of a highway are functioning;

(d) for the purpose of subsection (5), if more than 50 per cent of luminaires on any kilometre of highway are functioning.

13. The Regulation is amended by striking out “minimum” wherever it appears in the following provisions:

1. Sections 11 to 16.

2. Subsection 16.1 (1).

14. Subsections 16.1 (2), (2.1), (3) and (4) of the Regulation are revoked and the following substituted:

(2) If a surface discontinuity on or within a sidewalk exceeds two centimetres, the standard is to treat the surface discontinuity within 14 days after acquiring actual knowledge of the fact.

(3) A surface discontinuity on or within a sidewalk is deemed to be in a state of repair if it is less than one or equal to two centimetres.

(4) For the purpose of subsection (2), treating a surface discontinuity on or within a sidewalk means taking reasonable measures to protect users of the sidewalk from the discontinuity, including making permanent or temporary repairs, alerting users’ attention to the discontinuity or preventing access to the area of discontinuity.

(5) In this section,

“surface discontinuity” means a vertical discontinuity creating a step formation at any joint or crack in the surface of the sidewalk or any vertical height difference between a utility appurtenance found on or within the sidewalk and the surface of the sidewalk.

15. The Regulation is amended by adding the following sections.

Enencroachments, area adjacent to sidewalk

16.2 (1) The standard for the frequency of inspecting an area adjacent to a sidewalk to check for encroachments is once per calendar year, with each inspection taking place not more than 16 months from the previous inspection.
(2) The area adjacent to a sidewalk that has been inspected in accordance with subsection (1) is deemed to be in a state of repair in respect of any encroachment present.

(3) For greater certainty, the area adjacent to a sidewalk begins at the outer edges of a sidewalk and ends at the lesser of the limit of the highway, the back edge of a curb if there is a curb and a maximum of 45 cm.

(4) The area adjacent to a sidewalk is deemed to be in a state of repair in respect of any encroachment present unless the encroachment is determined by a municipality to be highly unusual given its character and location or to constitute a significant hazard to pedestrians.

(5) If a municipality determines that an encroachment is highly unusual given its character and location or constitutes a significant hazard to pedestrians, the standard is to treat the encroachment within 28 days after making such a determination, and the encroachment is deemed in a state of repair for 28 days from the time of the determination by the municipality.

(6) For the purpose of subsection (4), treating an encroachment means taking reasonable measures to protect users, including making permanent or temporary repairs, alerting users’ attention to the encroachment or preventing access to the area of the encroachment.

Snow accumulation on sidewalks

16.3 (1) Subject to section 16.4, the standard for addressing snow accumulation on a sidewalk after the snow accumulation has ended is,

(a) to reduce the snow to a depth less than or equal to 8 centimetres within 48 hours; and

(b) to provide a minimum sidewalk width of 1 metre.

(2) If the depth of snow accumulation on a sidewalk is less than or equal to 8 centimetres, the sidewalk is deemed to be in a state of repair in respect of snow accumulation.

(3) If the depth of snow accumulation on a sidewalk exceeds 8 centimetres while the snow continues to accumulate, the sidewalk is deemed to be in a state of repair with respect to snow accumulation, until 48 hours after the snow accumulation ends.

(4) For the purposes of this section, the depth of snow accumulation on a sidewalk may be determined in the same manner as set out in subsection 4 (4) and by the persons mentioned in subsection 4 (3) with necessary modifications.

(5) For the purposes of this section, addressing snow accumulation on a sidewalk includes,

(a) plowing the sidewalk;

(b) salting the sidewalk;

(c) applying abrasive materials to the sidewalk;

(d) applying other chemical or organic agents to the sidewalk; or

(e) any combination of the methods described in clauses (a) to (d).

Snow accumulation on sidewalks, significant weather event

16.4 (1) If a municipality declares a significant weather event relating to snow accumulation, the standard for addressing snow accumulation on sidewalks until the declaration of the end of the significant weather event is,

(a) to monitor the weather in accordance with section 3.1; and

(b) if deemed practicable by the municipality, to deploy resources to address snow accumulation on sidewalks starting from the time that the municipality deems appropriate to do so.

(2) If the municipality complies with subsection (1), all sidewalks within the municipality are deemed to be in a state of repair with respect to any snow present until 48 hours following the declaration of the end of the significant weather event by the municipality.

(3) Following the end of the weather hazard in respect of which a significant weather event was declared by a municipality under subsection (1), the municipality shall,

(a) declare the end of the significant weather event when the municipality determines it is appropriate to do so; and

(b) address snow accumulation on sidewalks in accordance with section 16.3.

Ice formation on sidewalks and icy sidewalks

16.5 (1) Subject to section 16.6, the standard for the prevention of ice formation on sidewalks is to,

(a) monitor the weather in accordance with section 3.1 in the 24-hour period preceding an alleged formation of ice on a sidewalk; and
(b) treat the sidewalk if practicable to prevent ice formation or improve traction within 48 hours if the municipality determines that there is a substantial probability of ice forming on a sidewalk, starting from the time that the municipality determines is the appropriate time to deploy resources for that purpose.

(2) If ice forms on a sidewalk even though the municipality meets the standard set out in subsection (1), the sidewalk is deemed to be in a state of repair in respect of ice until 48 hours after the municipality first becomes aware of the fact that the sidewalk is icy.

(3) The standard for treating icy sidewalks after the municipality becomes aware of the fact that a sidewalk is icy is to treat the icy sidewalk within 48 hours, and an icy sidewalk is deemed to be in a state of repair for 48 hours after it has been treated.

(4) For the purposes of this section, treating a sidewalk means applying materials including salt, sand or any combination of salt and sand to the sidewalk.

Icy sidewalks, significant weather event

16.6 (1) If a municipality declares a significant weather event relating to ice, the standard for addressing ice formation or ice on sidewalks until the declaration of the end of the significant weather event is,

(a) to monitor the weather in accordance with section 3.1; and

(b) if deemed practicable by the municipality, to deploy resources to treat the sidewalks to prevent ice formation or improve traction, or treat the icy sidewalks, starting from the time that the municipality deems appropriate to do so.

(2) If the municipality complies with subsection (1), all sidewalks within the municipality are deemed to be in a state of repair with respect to any ice which forms or is present until 48 hours after the declaration of the end of the significant weather event by the municipality.

(3) Following the end of the weather hazard in respect of which a significant weather event was declared by a municipality under subsection (1), the municipality shall,

(a) declare the end of the significant weather event when the municipality determines it is appropriate to do so; and

(b) address the prevention of ice formation on sidewalks or treat icy sidewalks in accordance with section 16.5.

Winter sidewalk patrol

16.7 (1) If it is determined by the municipality that the weather monitoring referred to in section 3.1 indicates that there is a substantial probability of snow accumulation on sidewalks in excess of 8 cm, ice formation on sidewalks or icy sidewalks, the standard for patrolling sidewalks is to patrol sidewalks that the municipality selects as representative of its sidewalks at intervals deemed necessary by the municipality.

(2) Patrolling a sidewalk consists of visually observing the sidewalk, either by driving by the sidewalk on the adjacent roadway or by driving or walking on the sidewalk or by electronically monitoring the sidewalk, and may be performed by persons responsible for patrolling roadways or sidewalks or by persons responsible for or performing roadway or sidewalk maintenance activities.

Closure of a highway

16.8 (1) When a municipality closes a highway or part of a highway pursuant to its powers under the Act, the highway is deemed to be in a state of repair in respect of all conditions described in this Regulation from the time of the closure until the highway is re-opened by the municipality.

(2) For the purposes of subsection (1), a highway or part of a highway is closed on the earlier of;

(a) when a municipality passes a by-law to close the highway or part of the highway; and

(b) when a municipality has taken such steps as it determines necessary to temporarily close the highway or part of a highway.

Declaration of significant weather event

16.9. A municipality declaring the beginning of a significant weather event or declaring the end of a significant weather event under this Regulation shall do so in one or more of the following ways:

1. By posting a notice on the municipality’s website.

2. By making an announcement on a social media platform, such as Facebook or Twitter.

3. By sending a press release or similar communication to internet, newspaper, radio or television media.

4. By notification through the municipality’s police service.

5. By any other notification method required in a by-law of the municipality.

Commencement

16. This Regulation comes into force on the day it is filed.
Made by:

KATHRYN MCGARRY
Minister of Transportation

Date made: May 2, 2018

Back to top
Committee Report

To: Warden Halliday and Members of Grey County Council

Committee Date: October 25, 2018

Subject / Report No: Addendum to PDR-CW-14-18 Final Report

Title: Sunvale Homes Plan of Subdivision 42T-2018-05

Prepared by: Scott Taylor

Reviewed by: Randy Scherzer

Lower Tier(s) Affected: Municipality of West Grey

Status:

Recommendation

1. That Addendum to Report PDR-CW-14-18 be received; and

2. That all written and oral submissions received on plan of subdivision 42T-2018-05 known as Sunvale Homes were considered; the effect of which helped to make an informed recommendation and decision; and

3. That in consideration of the draft plan of subdivision application 42T-2018-05, for lands described as Part of Divisions 2 and 3 of Lot 24, Concession 1 East of the Garafraxa Road (EGR), (geographic Township of Glenelg) in the Municipality of West Grey, the Grey County Committee of the Whole approves this plan of subdivision with a total of two hundred and forty-two (242) residential units, subject to the conditions set out in the Notice of Decision.

Executive Summary

The County has received a plan of subdivision application (County file number 42T-2018-05) to facilitate the construction of 242 new residential units in the Municipality of West Grey. The units will have access off of a series of new roads which would connect to Jackson Street East, a new road coming off Durham Road East, and another new road connecting to the development property to the east. A future road allowance is also being ‘set aside’ for a possible connection to the north, should that be warranted. Stormwater management, parkland, and drainage blocks are also being created through this subdivision. Servicing to the proposed subdivision will be via municipal water and sewer services, which will be allocated at the draft approval phase. Based on public and agency comments received regarding the proposed plan of subdivision, it is recommended that the proposed plan of subdivision be given draft approval subject to the conditions set out in the attached Notice of Decision.
Background and Discussion

The County has received a plan of subdivision application that proposes to create 242 residential units (a mixture of single detached dwellings, semi-detached and townhouses), as well as parkland and stormwater management blocks in the settlement area of Durham. A zoning by-law amendment to the Municipality of West Grey has also recently been approved for this development.

The subject lands are located at Part of Lot 24, Divisions 2 and 3, Concession 1 EGR, (geographic Township of Glenelg) in the Municipality of West Grey. The subject lands are approximately 17.8 hectares in size and are located on the north side of Durham Road East and east of Garafraxa Street North (Highway 6) (see Map 1 – Airphoto of Subject Lands). The proposal is to service the new lots with municipal water and sewer.

The proposed lots would front onto a series of internal roads which have connections to Durham Road East and Garafraxa Street North via Jackson Street East. The proposed subdivision would also allow for future road connections to the east and north.

The subject lands currently contain a former horse barn, shed, and track. These lands were added to the settlement area in 2012 via Official Plan Amendment (OPA) 80 to the County Plan.

Surrounding the proposed development is residential, industrial, farm, and forested lands.

Map 1: Airphoto of Subject Lands

Pre-submission consultation between the proponent, the Municipality of West Grey and the County identified the submission requirements for the proposed plan of subdivision. The following reports have been submitted with the subdivision application:

1. Planning Justification Report,
2. Environmental Impact Study,
3. Functional Servicing Report,
4. Stormwater Management Report,
5. Traffic Impact Study, and
6. Stage 1 – 4 Archaeological Assessment.

Copies of all background reports and plans can be found at [this link](#).

Following the public meeting and discussions with Municipal, County, and agency staff, changes were made to the proposed plan of subdivision to reflect the comments received, which have the effect of;

- removing the two cul-de-sacs in the northeast of the plan to promote better connectivity and reduce future maintenance issues,
- including a park in the subdivision, and
- eliminating 5 residential lots to facilitate the removal of the cul-de-sacs and the addition of the park.

A lot boundary change is also shown on the revised draft plan along the west side of the stormwater management block, based on an encroachment claim under the Land Titles Absolute application process.
Map 2: Draft Plan of Subdivision (Courtesy of Cobide Engineering)
Public and Agency Comments Received

There were members of the public that made written submissions, and oral submissions at the public meeting on June 5, 2018 in the Municipality of West Grey. The minutes from the public meeting can be found at this link.

The following people made comments on the plan of subdivision application:

- Kari Elvidge,
- Robert Halpin,
- Mac Galbraith,
- Jennifer A. Schwass on behalf of Douglas and Vanda Harris,
- Joerg Weller, and
- Don Tremble.

Comments raised by the public are as follows:

- Questions about landownership of an abutting piece of property,
- Concerns with respect to drainage, flooding, and stormwater on neighbouring properties,
- Where will the water from this subdivision drain to,
- Concerns over the lack of park space in this development,
- Praise for the development, and the developer, noting the economic benefits to the area from the development,
- Questions about the phasing of the development, and
- A question about whether the hydro would be above or below ground.

Agency comments were as follows:

- **Historic Saugeen Metis (HSM):** HSM noted that they have been able to review the reports and have no concerns with the proposed development.
- **Saugeen Valley Conservation Authority (SVCA):** SVCA staff noted that the proposed plan of subdivision is generally acceptable and provided recommended draft plan conditions.
- **Union Gas:** Union Gas has no concerns provided the developer provide the necessary easements or agreements for the provision of gas services.
- **Hydro One Networks Inc.:** Hydro One noted that they have reviewed the documents concerning the plan and have no comments or concerns at this time.
- **Canada Post:** Canada Post noted that this development would gain mail service through community mail boxes, and provided a series of draft plan conditions to site said mail boxes.
- **Enbridge Gas Distribution:** Enbridge Gas Distribution noted that they do not object to the proposed application(s). Enbridge further noted that they do not have gas piping in this immediate area.
- **Ministry of Tourism, Culture and Sport (MTCS):** In a letter dated July 10, 2018 the MTCS noted that; “based on the information contained in the report, the ministry is satisfied that the fieldwork and reporting for the archaeological assessment are consistent with the ministry’s 2011 Standards and Guidelines for Consultant.
Archaeologists and the terms and conditions for archaeological licences. This report has been entered into the Ontario Public Register of Archaeological Reports.”

- **Municipality of West Grey Planning:** In a staff report dated October 9, 2018, which was endorsed by Council, the Municipality recommended approval of the plan of subdivision, subject to a series of draft approval conditions. As noted above, the Municipality has also passed the associated zoning by-law amendment.

**Analysis of Planning Issues**

Planning authorities must have regard to matters of Provincial interest under the *Planning Act* and be consistent with the Provincial Policy Statement (PPS) when rendering decisions on planning applications. Within Grey County they must also make decisions that conform to the County of Grey Official Plan, and in this case which also conform to the Municipality of West Grey Official Plan.

**The Planning Act**

Section 1.1 of the *Planning Act* outlines the purposes of the Act. The purposes of the Act promote; sustainable economic development, in a healthy natural environment, within a land use planning system, led by provincial policy and matters of provincial interest. Section 2 of the *Planning Act* outlines matters of provincial interest, which decision makers must consider when carrying out their responsibilities under the Act. The most relevant matters of provincial interest to this application are as follows (in italics), including staff comments for each subsection below.

(a) *the protection of ecological systems, including natural areas, features and functions,*

(1) An Environment Impact Study (EIS) was completed for this development. The County Plan maps a small pocket of Significant Woodlands on the subject lands. Based on the recommendations of the EIS, these Significant Woodlands will be retained and a 15 metre buffer around them is also recommended for protection. SVCA staff have reviewed the application and have no further concerns at this time.

(b) *the protection of the agricultural resources of the Province;*

(1) The subject lands have been farmed in the past, but are within the designated settlement area of Durham in both the County and West Grey Official Plans. These lands have been designated for growth for a number of years. To the north of the subject property, outside of the settlement area, are farmlands. New livestock development is currently restricted on these lands, based on the recognition of these residential development lands in Durham.

(f) *the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems,*

(1) The subject development will be serviced by municipal water and municipal sewer services. Capacity currently exists within the Municipality’s water and wastewater treatment facilities to service this development. Some upgrades are needed to some of the piping along Durham Road East, and that will be done in concert with this development.
The stormwater management (SWM) is proposed on a dedicated block in the northwest of the proposed subdivision. The SWM has been reviewed by the SVCA and the Municipality's Director of Infrastructure and Public Works. The proponents engineer has noted that this subdivision will not increase pre-development flows to neighbouring properties, but that there will still be the existing flows to those lands at pre-development levels. The draft plan conditions will require further detailed design of this SWM facility.

In response to one of the public comments the developer’s engineer noted that hydro service will be provided underground for this development.

A Traffic Study was completed for this development and no further traffic concerns have been raised.

Sidewalks are being incorporated into this design to provide active transportation opportunities on Jackson Street, as well as streets A and B.

(h) the orderly development of safe and healthy communities,

(h) The subject development is within the ‘Primary Settlement Area’ designation in the County Official Plan. Within this land use designation the County Plan defers to the detailed land use policies found within the Municipality’s Official Plan. The Municipal Plan designates the lands as ‘Residential’. The County Plan recommends an average development density of 20 units per net hectare (or greater) for new residential development in Durham. The proposed plan of subdivision generally aligns with the County’s target residential density. Parkland and active transportation connections are also being included in this plan of subdivision. This proposed development provides a logical extension to the residential development in this area.

(i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;

(i) As noted earlier in this report, there was a concern about the lack of park space in this development. In response to this comment, the developer has added in a park (block 182) adjacent to the stormwater management facility (block 184). Block 183, a potential future road extension, may also be used temporarily as a park, until such time as it is needed for road connection purposes. The stormwater facility should also be attractively landscaped, possibly with trails, such that it can serve as an extension of the park lands, but with fencing along the pond itself.

There are no further educational or cultural facilities being contemplated through this development.

(j) the adequate provision of housing, including affordable housing,

(j) In response to this criterion, the proponent’s planner has noted; “The site includes a range of housing types and densities including affordable housing with a density of 20.5 units per net hectare.” [note this density is now proposed at approximately 20.28 units per net hectare] However, it is not yet known what the sale price of these housing units will be, including whether or not they will meet the ‘affordable housing’ definition.

(p) the appropriate location of growth and development.
The subject lands are located in a settlement area and have been designated for residential growth, adjacent to the other residential land uses. Development in this area will be within walking distance of a school and downtown Durham. These lands were targeted for residential growth in the expansion to the settlement area of Durham in 2012, in response to a recognized need for such residential growth. The proposed location for development appears appropriate in this regard.

The subject plan of subdivision application, with the attached conditions of draft approval, would have regard for matters of Provincial Interest under *The Planning Act*.

**Provincial Policy Statement**

A key goal of the PPS is directing new growth to serviced settlement areas, and promoting the vitality of such settlement areas through re-development, infill and intensification. The subject lands have been designated for residential growth and are within a serviced settlement area.

Section 1.6.6.1 of the PPS outlines the servicing hierarchy to be utilized in the Province of Ontario. At the top of the hierarchy are municipal water and sewer services. The proposed development will be serviced by municipal water and sewer services, with some minor upgrades needed. Servicing capacity will be allocated at the draft approval stage.

Section 1.6.6.7 speaks to stormwater management. This matter has been reviewed under the *Planning Act* review.

Section 2.1 of the PPS speaks to the long-term protection of significant natural heritage features. This item was addressed under the *Planning Act* review above.

Section 2.6 of the PPS speaks to the protection of cultural and archaeological resources within the Province. A Stage 1-4 Archaeological Assessment was completed on this property. Comments in response to this Assessment have also been received from MTCS, and the document has been added to the Provincial register. Draft conditions have been included, should excavation of the site uncover anything different.

Section 3.1 of the PPS directs development away from areas of natural hazard. SVCA has reviewed the proposed subdivision and is generally satisfied that the proposed development is outside of areas of natural hazard. The SVCA have provided a couple conditions to enable their review of applicable documents prior to final approval.

The proposed plan of subdivision application, with the attached conditions of draft approval, is consistent with the PPS.

**County Official Plan**

Many of the policies in the County Plan mimic those discussed above in the review of the *Planning Act* and the PPS. A further in-depth review of those same policies in the County Plan will not be repeated here.

The proposed plan of subdivision is designated as ‘Primary Settlement Area’ in the County Official Plan. The Official Plan identifies that Primary Settlement Areas shall be the focus of growth within the County. Section 2.6.3(5) of the County Plan requires an overall average...
development density of 20 units per net hectare within Primary Settlement Areas such as Durham. The lot density conforms to this recommended density for the residential portions of the site.

Appendix B to the County Official Plan maps ‘Significant Woodlands’ in the northeast corner of this site. As noted above, the residential development will remain outside of these features.

Section 5.3 of the County Plan provides a similar servicing hierarchy to that found in the PPS, which has been noted above.

Section 6.12.1 of the County Plan addresses criteria to be considered in any new plan of subdivision or condominium. Specifically section 6.12.1(a)(vi) of this section states;

“The street pattern of the proposed plan and how it fits with the surrounding neighbourhood. Plans which utilize a grid pattern or a modified grid pattern shall be considered more favourably than those with a curvy street pattern or cul-de-sacs,”

As noted above, the subject lands will have connections to existing streets, proposed streets, leave adequate space for further future connection east and north, and provide sidewalks. The proposed road network generally follows a modified grid pattern which is preferred. One of the changes that was made to the subdivision since the public meeting, was to eliminate the two cul-de-sacs in the northeast corner, in favour of having a connected road network (rather than two ‘dead-ends’).

Section 6.12.1(a)(ix) requires the consideration of street lighting that minimizes impact on dark skies. The street lighting will be in accordance with West Grey’s standards, which will be included as part of the subdivision agreement.

Section 6.12.1(a)(xi) speaks to the provision of usable parkland and green space. The applicant will be providing a park adjacent to the stormwater facility. The subject park will not comprise 5% of the development, so the Municipality has the ability to also request some cash-in-lieu of the remaining parkland.

Section 6.12.1(b)(c) and (d) of the Plan speak to the provision of a range of housing, including affordable housing. The proposed development will offer single detached, semi-detached and townhouse units. The developer’s planner has noted that affordable units will be considered as part of this development, but that the final price of the units is not yet know.

The proposed plan of subdivision application, with the attached conditions of draft approval, conforms to the goals and objectives of the County of Grey Official Plan.

**West Grey Official Plan**

The subject lands are designated ‘Residential’ in the Municipality of West Grey Official Plan (WGOP). This designation permits residential development of the type and density being considered. Similar to the County Plan the WGOP encourages a range of housing types, as is being proposed by this development.
Section C4 of the WGOP speaks to the protection of culturally significant and archaeological areas. As noted above an Archaeological Assessment Stages 1 – 4 was done for this development, and it has been accepted by the MTCS.

The environmental and servicing policies, under sections E1 and E2 of the West Grey Plan respectively are similar in nature to the County Official Plan and have generally been addressed above. West Grey staff have noted that a minor servicing upgrade is needed along a small stretch of Durham Road East, in order to accommodate this development, and the development parcel to the east. Both of these developments will be requested to help fund this upgrade.

Section E3 of the WGOP provides transportation policies, which are further elaborated upon by the Municipality’s Director of Infrastructure and Public Works. The proposed road allowances will be 20 metres in width and will be constructed to an urban standard with curb and gutter. Sidewalks will generally be provided on one side of the new streets (Jackson, and Streets A and B), the exact details of which will be addressed in the subdivision agreement. West Grey staff are satisfied with the results of the Traffic Impact Study.

The proposed plan of subdivision application, with the attached conditions of draft approval, conforms to the goals and objectives of the Municipality of West Grey Official Plan.

**West Grey Zoning By-law**

The recently passed zoning by-law amendment amended the Municipality of West Grey’s Comprehensive Zoning By-law No. 37-2006 to rezone the subject lands to implement the 242 lot plan of subdivision. The effect of the zoning by-law amendment was to change the zoning from Future Development (FD) and Open Space (OS) to Residential 2 with Exceptions (R2-383) and Residential 3 with Exceptions (R3-396). The R2 Exceptions are site specific and relate to the following requests for the single and semi-detached residential dwellings:

- Minimum front yard setback of 4.5 metres for single and semi-detached residential dwellings,
- Minimum exterior side yard setback of 4.5 metres for single and semi-detached residential dwellings,
- Minimum interior side yard setback of 1.2 metres for one-storey and more than one-storey for single and semi-detached residential dwellings,
- Minimum rear yard setback of 6.0 metres for single and semi-detached residential dwellings,
- Exterior Side Yards encroachments of no more than 1.5 metres, and
- Total lot coverage of 45% for single-detached residential dwellings.

The R3 Exceptions are site specific and relate to the following requests for the townhouse blocks:

- Minimum front yard setback of 4.5 metres for townhouse or street townhouse dwellings,
- Minimum exterior side yard setback of 4.5 metres for townhouse or street townhouse dwellings,
- Minimum interior side yard setback of 1.2 metres for one-storey and more than one-storey for townhouse or street townhouse dwellings.
Minimum rear yard setback of 6.0 metres for townhouse or street townhouse dwellings, and
Maximum exterior side yard encroachments of no more than 1.5 metres.

The previous FD zoning was essentially a ‘holding zone’ until detailed residential zone standards could be developed for this property. The abutting lands to the east are also in the FD zone for the same purposes. Both of these properties have been designated as Residential in the WGOP for a number of years now, signalling the Municipality’s intent that these lands would be developed for residential purposes.

The recently passed exceptions listed above would not be out of character with neighbouring residential development, nor with other residential development in Durham.

With the attached recommended draft plan conditions, County staff are of the opinion that the proposed development;

1. has regard for matters of Provincial interest under the Planning Act;
2. is consistent with the Provincial Policy Statement;
3. conforms to the County of Grey Official Plan;
4. conforms to the Municipality of West Grey Official Plan; and
5. maintains an appropriate development standard in the Municipality of West Grey Comprehensive Zoning By-law.

Legal and Legislated Requirements

The application was processed in accordance with the Planning Act.

Financial and Resource Implications

There are no anticipated financial, staffing or legal considerations associated with the proposed subdivision, beyond those normally encountered in processing a subdivision application. The County has collected the requisite fee and peer review deposit for this application.

Relevant Consultation

☑ Internal: Planning

☒ External: The Public, Municipality of West Grey, Saugeen Valley Conservation Authority, and other required agencies under the Planning Act.

Appendices and Attachments

Draft Notice of Decision (conditions of draft approval) - attached
NOTICE OF DECISION

On Application for Approval of Draft Plan of Subdivision

under Subsection 51(16) of the Planning Act

Draft Plan Approval, is hereby given by the County of Grey for the application regarding the above noted lands. A copy of the Decision is attached.

PUBLIC AND AGENCY COMMENTS RECEIVED ON THE FILE

All written and oral submissions received on the application were considered; the effect of which helped to make an informed recommendation and decision.

WHEN AND HOW TO FILE A NOTICE OF APPEAL

Notice to appeal the decision to the Local Planning Appeal Tribunal must be filed with the County of Grey no later than 20 days from the date of this notice, as shown above.

The notice of appeal should be sent to the attention of the Director of Planning and Development of the County, at the address shown below and it must,

(1) set out the reasons for the appeal,
(2) be accompanied by the fee required by the Tribunal as prescribed under the Local Planning Appeal Tribunal Act, and
(3) include the completed appeal forms from the Tribunal’s website.

WHO CAN FILE A NOTICE OF APPEAL

Only individuals, corporations or public bodies may appeal decisions in respect of a proposed plan of subdivision to the Local Planning Appeal Tribunal. A notice of appeal may not be filed by an unincorporated association of group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

No persons or public body shall be added as a party to the hearing of the appeal of the decision of the approval authority, including the lapsing provisions of the conditions, unless the person or public body, before the decision of the approval authority, made oral submissions at a public meeting or written submissions to the council, or made a written request to be notified of changes to the conditions or, in the Local Planning Appeal Tribunal’s opinion, there are reasonable grounds to add the person or public body as a party.

RIGHT OF APPLICANT OR PUBLIC BODY TO APPEAL CONDITIONS

The following may, at any time before the approval of the final plan of subdivision, appeal any of the conditions imposed by the approval authority to the Tribunal by filing a notice of appeal with the approval authority: the applicant; any public body that, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority; the Minister; or the municipality in which the subject land is located.

HOW TO RECEIVE NOTICE OF CHANGED CONDITIONS

The conditions of an approval of draft plan of subdivision may be changed at any time before the final approval is given.

You will be entitled to receive notice of any changes to the conditions of the approval of draft plan of subdivision if you have made a written request to be notified of changes to the conditions.
Applicant: John Welton Custom Homebuilding Ltd.  
Municipality: Municipality of West Grey  
Location: Part of Divisions 2 and 3 of Lot 24, Concession 1 EGR (geographic Township of Glenelg)  
Date of Decision:  
Date of Notice:  
Last Date of Appeal:  

GETTING ADDITIONAL INFORMATION  
Additional information about the application is available for public inspection during regular office hours in the Planning & Development Office at the address noted below or by calling 519-376-2205 or 1-800-567-GREY.  

ADDRESS FOR NOTICE OF APPEAL  
County of Grey  
595-9th Avenue East  
OWEN SOUND, Ontario N4K 3E3  
Attention: Mr. Randy Scherzer, MCIP RPP  
Director of Planning & Development
Plan of Subdivision File No. 42T-2018-05 has been granted draft approval. The County’s conditions of final approval for registration of this draft plan of subdivision are as follows:

**Draft Plan**

1. That this approval applies to the draft Plan of Subdivision for the lands being Part of Divisions 2 and 3 of Lot 24, Concession 1, East of the Garafraxa Road, geographic Township of Glenelg, Municipality of West Grey, County of Grey, prepared by Cobide Engineering Inc. (00701-DP-1) dated August 24, 2018, showing the following:
   a. One hundred and eighteen (118) single detached residential lots (Lots 1 to 118);
   b. Sixty (60) semi-detached residential lots (Lots 119 – 178)
   c. A maximum of sixty-four (64) townhouse units, or a minimum of forty-eight (48) townhouse units in three multi-family blocks (Blocks 179 to 181);
   d. Five (5) new Streets, labelled as Streets A – E, in addition to an extension of Jackson Street,
   e. One (1) parkland block (Block 182),
   f. One (1) block for parkland or a future road allowance (Block 183),
   g. One (1) block for a future road extensions (Block 187), and
   h. Three (3) storm water management and drainage blocks (Blocks 184 - 186).

**Subdivision Agreement**

2. The Developer shall enter into a Subdivision Agreement with the Municipality agreeing to satisfy all requirements and conditions, financial and otherwise with respect to the provisions of the roads, sidewalks, drainage, installation of services, upgrade of services along Durham Road East, amenities, stormwater management, including the landscaping and fencing of the stormwater block, and other Municipal requirements.

3. The Developer shall agree in the Subdivision Agreement, that prior to any grading or construction on site, and prior to Final Approval of the subdivision by the County, the owner shall prepare the following studies/reports, completed to the satisfaction of the Municipality of West Grey:
   a. Final Stormwater Management Report;
   b. Lot Grading Plan;
   c. Environmental Impact Study;
   d. Sediment and Erosion Control Plan;
   e. Final Road Design including active transportation requirements, sidewalks, emergency access and phasing and other design considerations as required; and
   f. Final Landscaping Plan including required tree planting and tree preservation.

**Registration of Subdivision Agreement**

4. The Subdivision Agreement shall be registered by the Municipality against the Lands to which it applies as provided under the Planning Act, R.S.O., C. P.13, in conjunction with the
registration of the Plan. A copy of the executed Subdivision Agreement shall be provided by the Municipality.

5. The Developer shall, prior to the final approval, submit detailed plans showing the proposed phasing of the Plan for review and approval by the Municipality.

6. The registration of the Plan may occur in phases, as approved by the Municipality; as laid out in the Subdivision Agreement. That the development and registration of the phases shall be in accordance with sound engineering principles, including servicing upgrades along Durham Road East, to the satisfaction of the Municipality.

**Water/Wastewater Allocation**

7. Sanitary sewer and water supply allocations shall be committed by the Municipality of West Grey for this development for a total of two hundred and forty-two (242) residential units at the time of draft approval of the Plan of Subdivision. Through this draft approval the Municipality confirms that such allocations are available for such purposes.

**Road Names/Road Dedications/Reserves**

8. The Developer shall agree in the Subdivision Agreement that all road allowances included on this Plan shall be shown and dedicated as public highways. This shall include areas to be set aside for daylighting triangles.

9. The Developer shall agree that the internal streets dedicated in these conditions shall be named to the satisfaction of the Municipality.

10. The Developer shall agree in the Subdivision Agreement to construct all roads to Municipal standards in effect at the time of construction.

11. The Developer shall agree in the Subdivision Agreement to construct all temporary cul-de-sacs as required by the Municipality and in accordance with municipal standards.

12. That any dead ends and open sides of road allowances created by this draft plan shall be terminated in 0.3 metre reserves to be dedicated free and clear of encumbrances to the Municipality.

**Walkways and Pedestrian Paths**

13. The Developer shall agree in the Subdivision Agreement that sidewalks are to be developed in accordance with Municipal standards at the time of the construction, to the satisfaction of the Municipality.
Zoning

14. Prior to final approval and registration of any phase of this Plan, the subject lands shall be appropriately zoned by a zoning by-law that has come into effect in accordance with the provisions of the Planning Act, R.S.O. 1990, c. P.13.

15. The Developer shall, prior to final approval, submit a schedule certified by an Ontario Land Surveyor indicating the areas and frontages of the Lots and Blocks within the Plan, to the satisfaction of the Municipality.

Display Map

16. The Developer shall agree in the Subdivision Agreement, prior to offering any of the residential lots for purchase, to place a display map on the wall of the sales office in a place visible to the public, which indicates the location and relevant details of all sidewalks, trails, bike lanes, community mail boxes, parks, environmental protections areas, stormwater management area, landscaping, street lights, buffer areas, fencing, roads, construction staging and adjacent land uses. All display maps shall be submitted to and approved by the Municipality prior to their use.

Development Charges

17. The Developer shall agree in the Subdivision Agreement that Development Charges, processing, and administration fees be paid in accordance with the Municipal, County, and school board policies and by-laws.

18. The Subdivision Agreement between the Developer and the Municipality shall include provisions whereby all offers of purchase and sale will include information that satisfies Subsection 59(4) of the Development Charges Act, 1997, S.O. 1997, c. 27.

External Servicing

19. Prior to final approval and registration of the Plan, the Developer shall design and construct at no cost to the Municipality, the external municipal sanitary sewer systems, municipal water facilities, stormwater management facilities and all appurtenances thereto as required to service the Plan, to the satisfaction of the Municipality, including entering into a pre-servicing and/or external works agreement with the Municipality.

Easements, Conveyances, and Parkland Dedication

20. The Developer shall agree in the Subdivision Agreement that such easements and land dedication as may be required for access, gas, utilities, communications, telecommunications, servicing, drainage and construction purposes shall be granted to the appropriate agencies or authorities, to their satisfaction free and clear of all encumbrances.
21. The Developer shall agree in the Subdivision Agreement in words satisfactory to the Municipality, to grant to the communications / telecommunications service providers any easement that may be required for communication / telecommunication services. Easements may be required subject to final servicing decisions.

22. The Developer shall agree in the Subdivision Agreement that prior to commencing any work within the Plan, the Developer shall confirm that sufficient wire-line communication / telecommunication / fibre optics infrastructure is currently available within the proposed development to provide communication / telecommunication / fibre-optics service to the proposed development.

23. That the Owner shall convey 5% of the land and/or cash in lieu for parkland dedication purposes to the Municipality for parkland and/or trail purposes to the satisfaction of the Municipality.

**Archaeological Assessment**

24. The Developer shall agree to the following in the Subdivision Agreement:
   a. Should previously unknown or unassessed deeply buried archaeological resources be uncovered during development, such resources may be a new archaeological site and therefore subject to Section 48(1) of the Ontario Heritage Act. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed archaeologist to carry out archaeological fieldwork, in compliance with Sect 48 (1) of the Ontario Heritage Act.
   b. That anyone working on the subject lands who uncovers a burial site containing human remains shall cease fieldwork or construction activities and immediately report the discovery to the police or coroner in accordance with the Funeral, Burial and Cremation Services Act.

**Environmental Impact Study**

25. That the Subdivision Agreement contain wording to implement the recommendations of the Environmental Impact Study, including the preservation of the woodlot and associated setback.

**Agency Requirements**

**Saugeen Valley Conservation Authority**

26. That prior to any grading or construction on site, and prior to Final Approval of the subdivision by the County, the owner shall prepare the following studies / reports, completed to the satisfaction of the Saugeen Valley Conservation Authority, and the Municipality of West Grey:
   a. Final Stormwater Management Report;
   b. Lot Grading Plan;
c. Environmental Impact Study; and  
d. Sediment and Erosion Control Plan.


Canada Post

28. The owner/developer will consult with Canada Post to determine suitable permanent locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans, and include them in the Subdivision Agreement.

29. The builder/Owner/Developer will confirm to Canada Post that the final secured permanent locations for the Community Mailboxes will not be in conflict with any other utility including hydro transformers, bell pedestals, cable pedestals, flush to grade communication vaults, landscaping enhancements (tree planting) and bus pads.

30. The owner/developer will install concrete pads at each of the Community Mailbox locations as well as any required walkways across the boulevard and any required curb depressions for wheelchair access as per Canada Post’s concrete pad specification drawings.

31. The owner/developer will agree to prepare and maintain an area of compacted gravel to Canada Post’s specifications to serve as a temporary Community Mailbox location. This location will be in a safe area away from construction activity in order that Community Mailboxes may be installed to service addresses that have occupied prior to the pouring of the permanent mailbox pads. This area will be required to be prepared a minimum of 30 days prior to the date of first occupancy.

32. The owner/developer will communicate to Canada Post the excavation date for the first foundation (or first phase) as well as the expected date of first occupancy.

33. The owner/developer agrees, prior to offering any of the residential units for sale, to place a “Display Map” on the wall of the sales office in a place readily available to the public which indicates the location of all Canada Post Community Mailbox site locations, as approved by Canada Post and the Municipality of West Grey.

34. The owner/developer agrees to include in all offers of purchase and sale a statement, which advises the prospective new home purchaser that mail delivery will be from a designated Community Mailbox, and to include the exact locations (list of lots #s) of each of these Community Mailbox locations; and further, advise any affected homeowners of any established easements granted to Canada Post.
35. The owner/developer will be responsible for officially notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sales with specific clauses in the Purchase offer, on which the homeowners do a sign off.

36. Canada Post further requests the owner/developer be notified of the following:
   a. The owner/developer of any condominiums will be required to provide signature for a License to Occupy Land agreement and provide winter snow clearance at the Community Mailbox locations.
   b. Enhanced Community Mailbox Sites with roof structures will require additional documentation as per Canada Post Policy.
   c. There will be no more than one mail delivery point to each unique address assigned by the Municipality.
   d. Any existing postal coding may not apply, the owner/developer should contact Canada Post to verify postal codes for the project.

**Final Draft Plan**

37. The Developer shall provide a copy of the proposed Final Plan to the County of Grey for their review and final approval. A digital copy of this Final Plan is required to be prepared and submitted in accordance with the County of Grey specifications.

**Clearance of Conditions**

38. That prior to final approval, the County is advised in writing by the Municipality of West Grey how Conditions 2 to 27 have been satisfied.

39. That prior to final approval, the County is advised in writing by the Saugeen Valley Conservation Authority, how Conditions 26 to 27 have been satisfied.

40. That prior to final approval, the County is advised in writing by Canada Post how Conditions 28 to 36 have been satisfied.

41. If final approval is not given to this plan within three years of the draft approval date, and no extensions have been granted, draft approval shall lapse under Subsection 51(32) of the Planning Act, RSO 1990, as amended. If the owner wishes to request an extension to draft approval, a written explanation together with the applicable application fee and a resolution from the local municipality must be received by the County of Grey Director of Planning, prior to the lapsing date. If the extension being requested is beyond a year, justification for the extension, a resolution from the location municipality and approval from the County will be required. Please note that an updated review of the Plan and revisions to the conditions of approval may be necessary if an extension is to be granted.

42. That the owner, submit to the County of Grey with a computer disk containing a digitised copy of the Final Plan in a format acceptable to the County of Grey.
NOTES TO DRAFT APPROVAL

1. It is the applicant’s responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the County of Grey, quoting the County file number.

2. An electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 - Proximity - of the Regulations for Construction Projects in the Occupational Health and Safety Act, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is proponent’s responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating “DANGER - Overhead Electrical Wires” in all locations where personnel and construction vehicles might come in close proximity to the conductors.

3. Clearances are required from the following:
   - Municipality of West Grey, 402813 Grey Road # 4, R R # 2, Durham, ON, N0G 1R0
   - Saugeen Valley Conservation Authority, 1078 Bruce Road 12, Box 150, Formosa, ON, N0G 1W0
   - Canada Post, 955 Highbury Avenue, London, ON, N5Y 1A3

4. We suggest you make yourself aware of the following subsections of the Land Titles Act:
   a. subsection 144(1) requires all new plans to be registered in a Land Titles system if the land is situated in a land titles division; and
   b. subsection 144(2) allows certain exceptions.

   The subdivision plan for Registration must be in conformity with the applicable Ontario Regulation under The Registry Act.

5. All measurements in subdivision final plans must be presented in metric units.

6. That the applicant contact Canada Post at the address below for the supply and installation of Community Mailboxes (CMB). The location of these CMB’s will require the approval of the Municipality of West Grey.

   Delivery Planning Officer, Canada Post Corporation, 955 Highbury Ave, London, Ontario, N5Y 1A3

7. The final plan approved by the County must be registered within thirty (30) days or the County may withdraw its approval under subsection 51(32) of the Planning Act RSO 1990, as amended.
Committee Report

To: Warden Halliday and Members of Grey County Council

Committee Date: October 25, 2018

Subject / Report No: PDR-CW-33-18 Information Report

Title: Saugeen Cedar Heights East Plan of Subdivision 42T-2018-09

Prepared by: Scott Taylor

Reviewed by: Randy Scherzer

Lower Tier(s) Affected: Town of Hanover

Status: Recommendation

1. That Report PDR-CW-33-18 regarding an overview of proposed plan of subdivision application 42T-2018-09, consisting of ninety-eight (98) residential units on lands described as Part of Lots 11, 12, 13, and 14, Concession 1 NDR, Town of Hanover, geographic Township of Bentinck, be received for information.

Executive Summary

The County has received a plan of subdivision application known as Saugeen Cedar Heights East (County file number 42T-2018-09) to create 98 new residential units in the Town of Hanover. The units will be a mix of single detached, semi-detached, and townhouse units. Access to the lots would be on a series of new roads, connecting to 25th Avenue and 14th Street. Servicing to the proposed subdivision will be via municipal water and sewer services. Various technical reports have been submitted with the proposed subdivision application, as well as a zoning by-law amendment to the Town of Hanover. The applications and supporting studies will be circulated to prescribed agencies and the public for review and comment. A public meeting will be held for the subject applications on November 5, 2018. Following the public process, and agency review process, a thorough analysis and staff recommendation will be provided.

Background and Discussion

The County has received a plan of subdivision application, known as Saugeen Cedar Heights East to create 98 residential units. The proposed types of housing include;

- 48 detached dwelling lots,
- 18 lots for semi-detached dwellings,
- 12 lots for townhouses, and
• an additional block for 20 additional townhouses.

The lots would front onto 25th Avenue, which is being extended from Bren Lea Estates in the north, and 14th Street, which is being extended from the west. A future road would also extend from the southeasterly limit of this subdivision, on the abutting lands, to 10th Street (Grey Road 4) to meet the signalized intersection at the Walmart and Crabby Joes plaza.

The proposed subdivision is located on Part of Lots 11, 12, 13, and 14, Concession 1 NDR, Town of Hanover, geographic Township of Bentinck. The subject lands are approximately 17.86 hectares in size. The subject lands are currently vacant, with some treed areas, and some farmed portions of the site. The proposal is to service the new lots with municipal water and sewer.

Map 1 below shows the subject lands and surrounding area, while Map 2 shows the proposed plan of subdivision.

Map 1: Airphoto of Subject Lands

This site is located in the northeast end of Hanover abutting; the river, residential development (constructed and in process), vacant lands, and some commercial developments.
The proposed development also requires an amendment to the Town of Hanover Zoning By-law application.

Pre-submission consultation between the proponent, the Town of Hanover, the Saugeen Valley Conservation Authority, and the County identified the submission requirements for the proposed plan of subdivision. Copies of all background reports and plans can be found at this link.

**Analysis of Planning Issues**

When rendering a land use planning decision, planning authorities must have regard to matters of Provincial Interest under the *Planning Act*, be consistent with the Provincial Policy Statement (PPS) 2014, and conform to any Provincial Plans or Municipal Official Plans that govern the subject lands. In this case, the County of Grey Official Plan and the Town of Hanover Official Plan have jurisdiction over the subject property. There are no Provincial Plans in place for Hanover.
Provincial Policy and Legislation

Both the Planning Act and the PPS speak to the efficient use of land within settlement areas, where services are readily available. The proposed plan of subdivision is within a settlement area that is serviced by municipal water and sewer services. The PPS indicates that the preferred form of servicing for settlement areas is full municipal services. Municipal water and wastewater treatment capacity is currently available for the proposed units.

The supply of an adequate range of residential housing types is required in both Provincial documents. In this case, the proposed plan of subdivision is providing a good mix of housing types.

Other policies in the PPS speak to connected, walkable communities, with provisions for public parkland and open space. The proposed subdivision will provide connections to adjacent roads, including the recently approved Bren Lea Estates subdivision to the north, and a future connection to the commercial development to the south. Parkland has not been proposed at this time, as the developer intends to instead offer cash-in-lieu of parkland.

The protection of significant environmental features is also required through the legislation and policy. An Environmental Impact Study was conducted with this development examining the potential for impacts on the river, the woodlands, and the valley lands.

Following the public and agency review periods, staff will provide a more fulsome analysis of the Provincial legislation and policy.

County Official Plan

The proposed plan of subdivision is on lands designated as ‘Primary Settlement Area’ in the County Official Plan. Primary Settlement Areas are identified as principal centres in which to focus new residential growth in the County. The County Plan sets an average residential development density of 25 units per net hectare within this designation for Hanover. The proposed development does not quite meet this density, and the supporting reports have cited the environmental features, and existing infrastructure locations on-site, as challenges in trying to attain a higher density.

Section 5.3 of the County Plan provides a similar servicing hierarchy to that found in the PPS, which has been noted above. Elsewhere in section 5 of the Plan, are policies which govern roads, transportation, and stormwater management. County Official Plan policies will be further assessed following agency review and the public process.

Legal and Legislated Requirements

The application will be processed in accordance with the Planning Act.

Financial and Resource Implications

There are no anticipated financial, staffing or legal considerations associated with the proposed subdivision, beyond those normally encountered in processing a subdivision application. The County has collected the requisite fee and peer review deposit for this application.
Relevant Consultation

☒ Internal: Planning and Transportation Services

☒ External: The public, Town of Hanover, and required agencies under the Planning Act.

Appendices and Attachments

None
Committee Report

To: Warden Halliday and Members of Grey County Council

Committee Date: October 25, 2018

Subject / Report No: PDR-CW-35-18 Information Report

Title: White Rose Subdivision 42T-2018-08

Prepared by: Stephanie Lacey-Avon

Reviewed by: Randy Scherzer

Lower Tier(s) Affected: Township of Southgate

Status: Recommendation

1. That Report PDR-CW-35-18 regarding an overview of proposed plan of subdivision application 42T-2018-08, consisting of seventy-three (73) single detached lots, and twenty-eight (28) townhouse units, for a total of one hundred and one (101) units, on lands described as Part Lot 227, Concession 2, SWTSR (geographic Township of Proton) in the Township of Southgate, be received for information.

Executive Summary

The County has received a plan of subdivision application known as White Rose (County file number 42T-2018-08) to create 101 units, consisting of 73 single detached lots, and 28 townhouse units within the settlement area of Dundalk. The units will connect to a new street joining Bradley Street, and a future street through the adjoining subdivision to the south west. Servicing to the proposed subdivision will be via municipal water and sewer services. Various technical reports have been submitted with the proposed subdivision application, as well as a zoning by-law amendment to the Township of Southgate. The applications and supporting studies will be circulated to prescribed agencies and the public for review and comment. A future public meeting will be held for the subject applications. Following the public process, and agency review process, a thorough analysis and staff recommendation will be provided.

Background and Discussion

The County has received a plan of subdivision application known as White Rose that proposes to create 101 units, with 73 single detached lots, and 28 townhouse units. The proposed subdivision is located on Part of Lot 227, Concession 2, SWTSR (geographic Township of Proton), in the Township of Southgate. Access to the development will be provided by an extension of Bradley Street, as well as a connection to the new subdivision to the west known...
as Southgate Cedarpoint. The subject lands are approximately 8.5 hectares (21 acres),
although only the southwestern portion of the land is proposed for development, which is
approximately 4.5 hectares (11 acres) in area. The eastern portion is not proposed for any form
of urban development at this time, containing 4.0 hectares (10 acres). Immediately adjacent to
the subject lands, on the southeasterly side is the Village of Dundalk. The lands on the
northwest and northeast are agricultural, and the property located to the southwest is the new
draft approved Southgate Cedarpoint subdivision. Map 1 below shows the subject lands and
surrounding area, while Map 2 shows the proposed plan of subdivision.

Map 1: Airphoto of Subject Lands

The proposal is to service the new lots with municipal water and sewer. The subject lands are
currently vacant.
Map 2: Proposed Plan of Subdivision

(Map 2 Courtesy of Cuesta Planning Consultants Inc.)

The proposed development also requires an amendment to the Township of Southgate Zoning By-law.

Pre-submission consultation between the proponent, the Township of Southgate and the County identified the submission requirements for the proposed plan of subdivision. Copies of all background reports and plans can be found at this link.

Analysis of Planning Issues

When rendering a land use planning decision, planning authorities must have regard to matters of Provincial Interest under the Planning Act, be consistent with the Provincial Policy Statement (PPS) 2014, and conform to any Provincial Plans or Municipal Official Plans that govern the subject lands. In this case, the County of Grey Official Plan and the Township of Southgate Official Plan have jurisdiction over the subject property. There are no Provincial Plans in place for this section of Southgate.

Provincial Policy and Legislation

Both the Planning Act and the PPS speak to the efficient use of land within settlement areas, where services are readily available. The proposed plan of subdivision is within a settlement area that is serviced by municipal water and sewer services. The PPS indicates that the
preferred form of servicing for settlement areas is full municipal services. Municipal water capacity is not currently available for the proposed units. A Functional Servicing Report was completed and the Township’s consulting engineering firm provided preliminary comments to the consulting planner. These findings cautioned the developer that White Rose Park Subdivision will exceed the reserve capacity of the Dundalk Waterworks, and there is limited uncommitted sanitary servicing capacity available. The Township is currently awaiting approval from the province to expand their well in order to accommodate future growth. The hopeful timeframe for this development would be to begin construction next spring (2019). Further to this, the Township also initiated an Environmental Assessment (EA) process for sewage treatment expansion back in 2015. Township staff anticipates the EA to be completed by 2019.

County planning staff recently brought a report to Committee of the Whole on September 13th, 2018 PDR-CW-28-18, to discuss the existing protocol on how servicing is allocated for new subdivision/condominium draft approvals. A motion was passed to adopt a hybrid approach. This approach entails continuing to draft approve plans of subdivision and condominium when reserve servicing capacity can be allocated at the time of draft approval, or if a municipality requests an alternate approach, allocate capacity at the time of registration, or through separate by-law prior to registration, at the discretion of the municipality. Should the Township wish to support a future draft approval, prior to having servicing capacity available, they may choose to utilize this new hybrid approach.

The supply of an adequate range of residential housing types is required in both Provincial documents. In this case, the proposed plan of subdivision is providing 73 single detached lots, and 28 townhouse units.

Other policies in the PPS speak to connected, walkable communities, with provisions for public parkland and open space. The proposed subdivision will provide connections to the adjacent road (Bradley Street) and a future street through the adjoining subdivision to the south west. Sidewalks are being proposed in this subdivision. Parkland has not been proposed at this time.

Following the public and agency review periods, staff will provide a more fulsome analysis of the Provincial legislation and policy.

**County Official Plan**

The proposed plan of subdivision is on lands designated as ‘Primary Settlement Area’ in the County Official Plan. Primary Settlement Areas are identified as principal centres in which to focus new residential growth in the County. The County Plan sets an average residential development density of 20 units per net hectare within this designation, but generally defers to detailed Municipal Official Plan policies and development standards.

Section 5.3 of the County Plan provides a similar servicing hierarchy to that found in the PPS, which has been noted above. Elsewhere in Section 5 of the Plan, are policies which govern roads, transportation, and stormwater management. The subject subdivision anticipates grading the lands such that water will flow westerly into a storm water management pond on the adjacent subdivision. County Official Plan policies will be further assessed following agency review and the public process.
Legal and Legislated Requirements
The application will be processed in accordance with the *Planning Act*.

Financial and Resource Implications
There are no anticipated financial, staffing or legal considerations associated with the proposed subdivision, beyond those normally encountered in processing a subdivision application. The County has collected the requisite fee and peer review deposit for this application.

Relevant Consultation
☒ Internal: Planning and Housing
☒ External: The public, Township of Southgate, and required agencies under the *Planning Act*.

Appendices and Attachments
None
Recommendation

1. That Report PDR-CW-36-18 regarding an overview of proposed plan of subdivision application 42T-2018-06, consisting of thirty-four (34) residential lots on lands described as Part of Lot 26, Concession 6, Town of The Blue Mountains, geographic Township of Collingwood, be received for information.

Executive Summary

The County has received a plan of subdivision application known as Romspen Camperdown (County file number 42T-2018-06) to create a total of 34 single detached lots to be accessed from a private condominium road. A proposed trail block is proposed along the frontage of the subject lands. An open space block has been proposed along the entire south end of the property. This new subdivision application replaces Condominium Application 42-CDM-2010-01 (Camperdown East 1) which has been withdrawn by the Applicant and the file has been officially closed. Servicing to the proposed subdivision will be via municipal water and sewer services. Various technical reports have been submitted with the proposed subdivision application. The application and supporting studies will be circulated to prescribed agencies and the public for review and comment. A public meeting will be held for the subject applications. Following the public process, and agency review process, a thorough analysis and staff recommendation will be provided.

Background and Discussion

The County has received a plan of subdivision application, known as Romspen Camperdown (42T-2018-06) which proposes to create 34 single detached residential lots. A proposed trail block has also been shown along the frontage of the subject lands and an open space block has been proposed along the entire south end of the property. This new subdivision application
replaces Condominium Application 42-CDM-2010-01 (Camperdown East 1) which has been withdrawn by the Applicant and the file has been officially closed. The lots would gain access to a proposed new private condominium road. Servicing to the proposed subdivision will be via municipal water and sewer services.

The proposed subdivision is located on Part of Lot 26, Concession 6, Town of The Blue Mountains, geographic Township of Collingwood. The subject lands are currently vacant, with a good portion of the property being covered by trees. Map 1 below shows the subject lands and surrounding area, while Map 2 shows the proposed plan of subdivision.

Map 1: Airphoto of Subject Lands

Lands to the north include some existing residential lots, the Georgian Trail and Highway 26. Lands directly west and east of the subject lands are currently vacant. Lands to the south include existing single detached residential units.
Map 2: Proposed Plan of Subdivision

Pre-submission consultation between the proponent, the Town of The Blue Mountains, the Grey Sauble Conservation Authority, the Niagara Escarpment Commission, and the County identified the submission requirements for the proposed plan of subdivision. Copies of all background reports and plans can be found at this link.

Analysis of Planning Issues

When rendering a land use planning decision, planning authorities must have regard to matters of Provincial Interest under the Planning Act, be consistent with the Provincial Policy Statement (PPS) 2014, and conform to any Provincial Plans or Municipal Official Plans that govern the subject lands. In this case, the County of Grey Official Plan and the Town of The Blue Mountains Official Plan have jurisdiction over the subject property. The subject lands are located within the Niagara Escarpment Plan Area.

Provincial Policy and Legislation

Both the Planning Act and the PPS speak to the efficient use of land within settlement areas, where services are readily available. The proposed plan of subdivision is within a settlement area that is serviced by municipal water and sewer services. The PPS indicates that the
preferred form of servicing for settlement areas is full municipal services. Municipal water and wastewater treatment capacity is currently available for the proposed units.

The supply of an adequate range of residential housing types is required in both Provincial documents. In this case, the proposed plan of subdivision is proposing single detached residential units which is consistent with the existing development surrounding the subject lands.

The protection of significant environmental features is also required through the legislation and policy. An Environmental Impact Study was conducted with this development examining the potential for impacts on the natural heritage features.

Following the public and agency review periods, staff will provide a more fulsome analysis of the Provincial legislation and policy.

**County Official Plan**

The proposed plan of subdivision is on lands designated as ‘Recreational Resort Area’ in the County Official Plan. Recreational Resort Areas are identified as a settlement area and permits development of this nature. Appendix A identifies potential areas of karst topography on the subject lands. Appendix B identifies Significant Woodlands on portions of the property.

Section 5.3 of the County Plan provides a similar servicing hierarchy to that found in the PPS, which has been noted above. Elsewhere in Section 5 of the Plan, are policies which govern roads, transportation, and stormwater management. County Official Plan policies will be further assessed following agency review and the public process.

**Legal and Legislated Requirements**

The application will be processed in accordance with the *Planning Act*.

**Financial and Resource Implications**

There are no anticipated financial, staffing or legal considerations associated with the proposed subdivision, beyond those normally encountered in processing a subdivision application. The County has collected the requisite fee and peer review deposit for this application.

**Relevant Consultation**

- **Internal**: Planning
- **External**: The public, Town of The Blue Mountains, and required agencies under the *Planning Act*.

**Appendices and Attachments**

None
Committee Report

To: Warden Halliday and Members of Grey County Council

Committee Date: October 25, 2018


Title: Lora Bay Phase 4 Plan of Subdivision 42T-2018-10

Prepared by: Randy Scherzer

Reviewed by: Kim Wingrove

Lower Tier(s) Affected: Town of The Blue Mountains

Status:

Recommendation

1. That Report PDR-CW-37-18 regarding an overview of proposed plan of subdivision application 42T-2018-10, consisting of thirty-eight (38) residential lots and a future multi-residential development block on lands described as Block 1 and Part of Block 2, RP 16M-8, Town of The Blue Mountains, be received for information.

Executive Summary

The County has received a plan of subdivision application known as Lora Bay Phase 4 (County file number 42T-2018-10) to create a total of 38 single detached residential units and a future development block (Block 39) for multi-residential units. The proposal would be to develop Block 39 through a future condominium application and site plan application that could include an additional thirty-six (36) residential multi-attached units proposed within three (3) separate three (3) storey, twelve (12) unit buildings. Access to the lots would be via two public roads, one would be an extension of West Ridge Drive and the second road would be a crescent shown as Street A on the proposed plan. Servicing to the proposed subdivision will be via municipal water and sewer services. Various technical reports have been submitted with the proposed subdivision application, as well as a zoning by-law amendment to the Town of The Blue Mountains. The applications and supporting studies will be circulated to prescribed agencies and the public for review and comment. A public meeting will be held for the subject applications. Following the public process, and agency review process, a thorough analysis and staff recommendation will be provided.

Background and Discussion

The County has received a plan of subdivision application, known as Lora Bay Phase 4 to create 38 single detached residential units and a future multi-residential development block
(Block 39). The proposal would be to develop Block 39 via a future condominium application and site plan application. The current proposal for Block 39 would consist of a total of 36 residential multi-attached units proposed within 3 separate 3 storey buildings with 12 units in each building. The lots would gain access via 2 public roads, the first road being an extension of West Ridge Drive and the second road would be a crescent shown as Street A on the proposed plan.

The proposed subdivision is located on Block 1 and part of Block 2, Plan 16M-8 in the Town of The Blue Mountains. These blocks are part of an overall master planned development known as Lora Bay and this proposed subdivision would represent the fourth phase of this master planned development. The subject lands are currently vacant, with the majority of the block being covered by trees. Map 1 below shows the subject lands and surrounding area, while Map 2 shows the proposed plan of subdivision.

Map 1: Airphoto of Subject Lands

Lands to the north of subject lands are part of the Golf Club at Lora Bay. Further north is a previous phase of the overall Lora Bay development known as Cottages at Lora Bay. Lands to the east include part of the golf course, as well as Phase 2 and 3 of the Cottages of Lora Bay. Lands directly south include golf course lands as well as vacant lands for future phases of the overall Lora Bay development. Lands to the west also include the golf course lands.
Map 2: Proposed Plan of Subdivision

The proposed development also requires an amendment to the Town of The Blue Mountains Zoning By-law and therefore a zoning amendment application has been submitted to the Town.

Pre-submission consultation between the proponent, the Town of The Blue Mountains, the Grey Sauble Conservation Authority, and the County identified the submission requirements for the proposed plan of subdivision. Copies of all background reports and plans can be found at this link.

Analysis of Planning Issues

When rendering a land use planning decision, planning authorities must have regard to matters of Provincial Interest under the Planning Act, be consistent with the Provincial Policy Statement (PPS) 2014, and conform to any Provincial Plans or Municipal Official Plans that govern the subject lands. In this case, the County of Grey Official Plan and the Town of The Blue
Mountains Official Plan have jurisdiction over the subject property. There are no Provincial Plans in place for this part of the Town.

**Provincial Policy and Legislation**

Both the Planning Act and the PPS speak to the efficient use of land within settlement areas, where services are readily available. The proposed plan of subdivision is within a settlement area that is serviced by municipal water and sewer services. The PPS indicates that the preferred form of servicing for settlement areas is full municipal services. Municipal water and wastewater treatment capacity is currently available for the proposed units.

The supply of an adequate range of residential housing types is required in both Provincial documents. In this case, the proposed plan of subdivision is providing single detached units and future multi-residential units.

The protection of significant environmental features is also required through the legislation and policy. An Environmental Impact Study was conducted with this development examining the potential for impacts on the woodlands.

Following the public and agency review periods, staff will provide a more fulsome analysis of the Provincial legislation and policy.

**County Official Plan**

The proposed plan of subdivision is on lands designated as ‘Recreational Resort Area’ in the County Official Plan. Recreational Resort Areas are identified as a settlement area and permits development of this nature. Appendix B identifies Significant Woodlands on the subject lands.

Section 5.3 of the County Plan provides a similar servicing hierarchy to that found in the PPS, which has been noted above. Elsewhere in Section 5 of the Plan, are policies which govern roads, transportation, and stormwater management. County Official Plan policies will be further assessed following agency review and the public process.

**Legal and Legislated Requirements**

The application will be processed in accordance with the Planning Act.

**Financial and Resource Implications**

There are no anticipated financial, staffing or legal considerations associated with the proposed subdivision, beyond those normally encountered in processing a subdivision application. The County has collected the requisite fee and peer review deposit for this application.

**Relevant Consultation**

☒ Internal: Planning

☒ External: The public, Town of The Blue Mountains, and required agencies under the Planning Act.
Appendices and Attachments

None