

## Wilderness Road Maintenance 2021

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Recommended by:	General Manager of Growth and Infrastructure

### Report Summary

This report provides information regarding increasing the service level of approximately 2.9 kilometers of Wilderness Road to year-round maintenance as requested by City Council on February 4, 2020 (CC2020-40) as well as an analysis of the current service level for Wilderness Road.

### Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)

This report is consistent with Council's Strategic Plan with respect to the goal of conducting research, benchmarking and experimentation to ensure road maintenance practices reflect appropriate best practices and is supportive of Goal #1 of the Community Energy & Emissions Plan (CEEP), which is to achieve energy efficiency and emissions reductions by creating compact, complete communities.

### Financial Implications

If this section of Wilderness Road were to be converted to year-round maintenance, a one-time capital investment of \$4.65 million would be required to upgrade the road to City standards.

In addition, an estimated \$50,000 increase would be required in the annual operating budget for Roads Maintenance to account for the costs of year-round road maintenance.

Additional operating budget implications would be foreseen for other areas such as Environmental Services. These costs were not calculated for the purposes of this report.

### Background

Residents of Wilderness Road brought forward a civic petition on November 13, 2016, through Councillor Gerry Montpellier to the Linear Infrastructure Services (LIS) division requesting that the seasonally maintained portion of Wilderness Road be maintained on a year-round basis. Presently, the City provides year-round maintenance to the first 1.2 kilometers of Wilderness Road, from immediately west of Montpellier Road. The remaining, approximately 2.9 kilometers of Wilderness Road, is seasonally maintained only.

Staff reviewed the petition and deemed it to constitute a service level change request for Wilderness Road. The requested service level enhancement was deemed to be outside of staff's authority and beyond the approved operational budget. It was also determined that capital road improvements would be necessary to bring the road to a standard that would facilitate such a service level change. Therefore, a letter was sent to the lead petitioner with a decision not to enhance the service level of Wilderness Road without prior Council approval (see Appendix 1).

Councillor Gerry Montpelier brought the residents request before Council on February 4, 2020 for discussion. Council subsequently requested that staff bring forward a report to the Operations Committee identifying the upgrades required for the seasonally maintained segment of Wilderness Road to qualify for year-round maintenance, the cost of such upgrades and recommendations for deliberation (CC2020-40).

## Analysis

Wilderness Road is located in Chelmsford, west of Montpelier Road and south of Morgan Road. It is used to provide year-round access to an old landfill site and was known as Old Dump Road until 1994. According to the Municipal Property Assessment Corporation (MPAC), four (4) known seasonal dwellings have direct access to the seasonally maintained portion of Wilderness Road. Presently, the City continues to provide year-round maintenance to this, approximately 1.2 kilometer segment of Wilderness Road, from immediately west of Montpelier Road, continuing to an area locally known as the snowplow turnaround which used to be the entrance point to the old landfill site. The remainder of Wilderness Road, west of the snowplow turnaround, a distance of approximately 2.9 kilometers, receives seasonal maintenance only (see Figures 1a and 1b).

Figure 1a – Seasonally Maintained Wilderness Road



Figure 1b - Seasonally Maintained Wilderness Road



A seasonally maintained road in the City of Greater Sudbury receives limited maintenance for a specified calendar period. In this case, the seasonally maintained portion of Wilderness Road receives summer maintenance only. The beginning and end of summer maintenance is strictly dependent on weather but generally occurs between June 15<sup>th</sup> and October 31<sup>st</sup> of each year. The seasonally maintained portion of Wilderness Road is designated a Class 6 road. Maintenance road classification is established through a combination of posted speed limit and traffic volume as outlined in the Minimum Maintenance Standards (MMS) under Ontario Regulation 239/02. Class 6 roads are not subject to maintenance requirements under the MMS. This means that the City is not held to a provincial standard for maintaining the seasonally maintained portion of Wilderness Road. However, it receives summer maintenance on an "as needed" basis at the discretion of the City's North-West Section Manager. General summer maintenance may include gravel patching, grading, dust control, brush cutting, ditching, and culvert maintenance.

## **Emergency Response**

Council Resolution CC2020-40 outlined property owner concerns surrounding a timely response by Emergency Services (Fire and EMS) to potential emergencies along the seasonally maintained portion of Wilderness Road during the winter months. Historically, property owners have plowed and sanded the seasonally maintained portion of Wilderness Road to facilitate winter road access to their respective properties as deemed necessary. Emergency Services have responded twice during the winter months (January 2018 and March 2019) over the past five (5) years to emergencies on the seasonally maintained portion of Wilderness Road. In both instances, they indicated no road related obstacles.

Emergency Services will continue to make best efforts to attend emergencies at these seasonal dwellings as long as adequate road access is continued to be provided. As well, Emergency Services have the ability to deploy response equipment that can maneuver through some road obstacles when necessary. Although response times cannot be guaranteed in these circumstances, response preparedness can be optimized. To that end, Road Operations have shared mapping and site specific information with Emergency Services which will help improve their pre-planning activities when responding to emergencies along the seasonally maintained portion of Wilderness Road during the winter months.

## **Capital Upgrades**

The seasonally maintained portion of Wilderness Road was likely constructed by local camp owners to access their seasonal waterfront properties. It was not constructed to withstand heavy traffic loading such as snow plows and liquid calcium tanker trucks. A cursory inspection of the seasonally maintained portion of Wilderness Road indicates that it consists of clay and silt subgrade materials that are highly susceptible to “soft” ground and heaving. Therefore, it is highly vulnerable to deformation, particularly during the wet and freeze / thaw periods. Additionally, the road width narrows in places due to rock outcrops and there are property limitations throughout its length that would prevent effective winter maintenance of the road in its current form.

Council Resolution CC2020-40 requested that a cost estimate be prepared to account for road upgrades required to enhance the seasonally maintained segment of Wilderness Road to a year-round maintained road. The seasonally maintained portion of Wilderness Road requires significant road structure and drainage improvements in order for it to meet the City’s rural local roads standard (GSSD-206.010). The required upgrades generally include rock removal, clearing and grubbing, spot excavations, gravel resurfacing, ditching, culvert and guiderail installation, environmental controls and construction of a new snowplow turnaround. The preliminary design anticipates maintaining this road to a gravel-driving surface. The capital cost estimate to perform such improvements is \$4.5 million.

## **Land Transfer**

Title to the seasonally maintained segment of Wilderness Road remains in private ownership. While this is not unusual, it is recommended in accordance with standard practice that the issue of registered title be addressed should Council choose to invest in road improvements necessary for service enhancements. A reference plan would have to be prepared and deposited to establish a legal description for transfers, and transfers secured from the existing registered owners. Where title to an existing road is being secured, it is not the City’s practice to pay compensation. However, as a conventional 20 meter road right-of-way would be recommended, and where the actual road width is less, it may be necessary to secure the additional road width prior to proceeding with any proposed capital improvements. It has been the City’s practice to pay for survey and registration fees in circumstances where title to road ownership is being transferred to the City.

Property acquisitions, survey and transfer fees are estimated to cost an additional 3% of the total capital cost estimate. Property acquisition, design phase and a Municipal EA process required for capital improvements may take up to two years to complete.

## Additional Operating Costs

The estimated cost increase for conducting year-round road maintenance of approximately 2.9 centerline-kilometers of the seasonally maintained segment of Wilderness Road is \$50,000 per annum. Additional maintenance work includes but is not limited to snow plowing, sanding, ditching, gravel grading, culvert and guiderail maintenance.

Converting this section of road to year-round maintenance would be anticipated to impact the requirements for other city services such as Environmental Services (garbage and recycling) and subsequently increase operating costs in those areas. The potential increase in these operating costs was not calculated for the purposes of this report.

## Seasonally Maintained Roads in the City of Greater Sudbury

For contextual purposes, Table 1 provides a list of all seasonally maintained roads within the City of Greater Sudbury. Appendix 2 provides maps showing geographic location, associated Zoning classification and the number of seasonal dwellings with direct access to these seasonally maintained roads.

In addition to Wilderness Road, staff reviewed 15 other road segments, accounting for approximately 34 centerline kilometers, which are similarly seasonally maintained throughout the City of Greater Sudbury. The majority of these road segments are situated on private property or Crown land (i.e. Lumsden, Ironside Lake, Johnson are surrounded by Crown land). According to MPAC, there are approximately sixty-two (62) dwellings that have direct access to these seasonally maintained roads within the City of Greater Sudbury. It is unknown how many of these dwellings are legally occupied on a seasonal or permanent basis.

As the majority, if not all, of these road segments do not meet City standards, the definition of seasonal maintenance and when this maintenance can be undertaken varies based on the unique characteristics of each road and what the City is capable of completing based on these characteristics.

Table 1 – Seasonally Maintained Roads in the City of Greater Sudbury

Road Segment	Maint. Section	Maint. Class	Seasonally Maintained Road Segments (Approximation)		Distance	Maintenance Period	Direct Access Dwellings *	Other Development Restrictions **
			From	To	(Km's)	(Weather Permitting)		Yes/No/Mixed
Wilderness Road	NW	6	~1.2 Km's West of Montpellier Road	~4.1 Km's West of Montpellier Road	2.90	Summer	4	Yes
Lumsden Road	NE	6	Vern Drive	Montee Coutu	3.20	All Except Spring	1	Mixed
Montee Coutu	NE	6	Lumsden Road	Northerly for ~1.6 Km's	1.60	All Except Spring	0	No
West Bay Road	NE	6	Fire Route 4	Loonway Road	5.60	Summer	6	No

Nelson Lake Road	NE	6	~8.8 Km's West of Desmarais Road	Northerly for ~2.2 Km's	2.20	Summer	0	No
Ironside Lake Road	NE	6	Moose Mountain Road	Westerly for ~5.6 Km's	6.30	Summer	0	Yes
Cedar Point Road	NE	6	Ironside Lake Road	Northerly for ~0.7 Km's	0.70	Summer	8	No
Lumsden Road	NW	6	~3.1 Km's Northerly from Morgan Road	~3.85 Km's Northerly from Morgan Road	0.75	Summer	0	Yes
Montee Rouleau	NW	6	Seguin Street	Lumsden Road	2.00	Summer	1	Yes
Del Street	NW	6	Perreault Drive	Easterly for ~230 metres	0.23	Summer	11	Yes
Nickel Offset Road	NW	6	Sand Cherry Road	Northerly for ~1.2 Km's	1.20	Summer	1	Yes
Tymchuk Road	NW	6	Simmons Road	Southerly for ~1.6 Km's	1.60	Winter	4	Yes
Mason Road	SW	6	~2.6 Km's North of Park Road	Southeasterly for ~2.2 Km's	2.20	Summer	19	Yes
Chicago Mine Road	SW	6	Chicago Mine Road Bridge	3.2 Km's north of Bridge	3.20	Summer	0	Yes
Lammis Road	S	6	Sandy Cove Road	Southerly for ~230 metres	0.23	Summer	7	Yes
Johnson Road	SE	6	Kukagami Lake Road	Westerly for ~2.63 Km's	2.63	Summer	0	Yes

\*Dwelling Source: MPAC

\*\*Adjacent Official Plan designation protects resource or identifies potential hazard, or zoning classification restricts uses to seasonal dwellings only, includes restrictive holding zone, agricultural zone, or environmental protection zone, or all adjacent lands are Crown-owned

In some instances, these road segments extend well beyond the seasonally maintained limits described above and connect to private roads. Some of these private roads (that are not maintained by the City) are referenced by the adjacent seasonally maintained road names. An unknown number of additional dwellings gain indirect access from these seasonally maintained roads. The decision to maintain road segments identified in Table 1 has been “grand-parented” from previous administrations for a variety of reasons. Each of these seasonally maintained road segments are intrinsically unique and would therefore need to be evaluated separately in order to determine capital and operational requirements to qualify for year-round maintenance.

Any contemplated service level enhancement to a seasonally maintained road would need to be evaluated by MPAC to review the impact on the assessed values of the affected properties.

## **Planning Implications of Changing Seasonally Maintained Roads to Year-round Maintained Roads**

The land use planning implications associated with the formal transfer of a seasonally maintained assumed road to a year-round maintained assumed road under the City's jurisdiction are primarily due to the potential for increased development activity and service level expectations in the Rural Areas designation in the Official Plan. The Official Plan restricts development in Rural Areas to protect existing uses and those qualities that make Rural Areas special in terms of their waterfront areas, open space, natural features, and resource potential. The Official Plan also recognizes that focusing future growth and development in the Settlement Area results in the most efficient use of land, resources, infrastructure and public service facilities, minimizes negative impacts on air quality and climate change, and promotes energy efficiency and supports public transit, active transportation and the efficient movement of goods. Wilderness Road, much like the fifteen (15) other seasonally maintained road segments, provides limited access to Rural Areas and waterfront properties for recreational purposes, and is located outside of settlement areas as defined in the Official Plan and depicted in Appendix 3.

City staff interpretation as to whether an individual property fronts onto an assumed road as defined in the zoning by-law is provided as part of the review of a building permit application, and may include input by multiple departments. This review may also require preparation of a legal opinion regarding the criteria for a road to be considered assumed by the municipality, which are that the road has been dedicated by the owner(s) for public use; the road has been open to public use; and that the municipality has demonstrated a clear and unequivocal intention to accept and assume responsibility for the road. With respect to Wilderness Road, if the previously described capital improvements and associated land transfer occurs, Wilderness Road would be confirmed as an assumed road.

Seasonal Roads, defined in the Zoning By-law as assumed and under the City's jurisdiction but not maintained year round, are considered to be an appropriate form of access for seasonal dwellings only. Seasonal dwellings are defined in the Zoning By-law as a secondary place of residence for seasonal vacations and recreational purposes. See Appendix 4 for a listing of all road types defined in the Zoning Bylaw along with the associated development implications. Permanent residential development is intended to be located in Settlement Areas, which are fully serviced. Currently, the Official Plan and Zoning Bylaw only permit seasonal dwellings (with some exceptions) on waterfront properties that are accessible by Seasonal Roads. More specifically, seasonal dwellings are only permitted in the 'RU', Rural, and 'RS', Rural Shoreline zone if on an existing waterfront lot, and are the only permitted use in the 'SLS', Seasonal Limited Service Zone. Building permit issuance for a new seasonal dwelling requires applicants to acknowledge that the dwelling is not their permanent residence. If the road does not meet the definition of Seasonal Road (despite the City's maintenance practices), a building permit cannot be issued. The Official Plan does not permit new lot creation on the basis of a Seasonal Road without a rezoning.

The Official Plan establishes criteria for the conversion of a seasonal dwelling to a permanent dwelling, including that the lot has frontage on a public road maintained year-round. If a dwelling is not already legally occupied on a permanent basis (i.e. a historic use), upgrading a road to a year-round maintenance level could facilitate the conversion of seasonal dwellings to permanent residential use. It could also enable new lot creation subject to meeting the applicable criteria. This does not align with the intent of these areas to be used for resource-based or recreational purposes, or conversely, align with directing new residential development to serviced settlement areas where infrastructure and public service facilities are available to residents. An increase in permanent residential use does not align with CEEP Goal #1, which is to achieve energy efficiency and emissions reductions by creating compact, complete communities. Over time, an increase in development activity in these areas could result in further pressure on the City and other service providers to extend the roads even further and/or provide new services to these areas (i.e. garbage pickup, school bussing, internet service, etc.). The conversion of these seasonally maintained roads to year-round maintained roads will increase the infrastructure-funding gap that currently exists for both asset renewal and operating costs.

An increase in the level of residential development in Rural Areas may result in compatibility issues with existing rural economic uses such as resource extraction, or have an impact on the rural character of the area. Some of the lands adjacent to Seasonal Roads are designated in the Official Plan as reserves for aggregate or mineral extraction, agricultural use, or as 'Parks & Open Space' reflecting natural hazards (Wilderness, Johnson, Montee Rouleau, Nickel Offset, Tymchuck, Mason). Wilderness Road is adjacent to, in part, lands that are designated 'Parks & Open Space' in the Official Plan and zoned with a restrictive holding provision due to the Vermillion River. This area may not be appropriate for further development given the need to protect important environmental features, habitat for species at risk, surface water quality, or avoid natural hazards (i.e. floodplain). The Official Plan and Zoning Bylaw have the effect of restricting development in areas accessible by Seasonal Roads for these reasons, and improved maintenance and the associated pressure for development should not be encouraged in these locations.

## Conclusion

The land use planning implications associated with the formal transfer of a seasonally maintained assumed road to a year-round maintained assumed road under the City's jurisdiction are primarily due to the potential for increased development activity and service level expectations in the Rural Areas designation in the Official Plan. Development in these areas is restricted in order to protect existing uses and those qualities that make rural areas special in terms of their waterfront areas, open space, natural features, and resource potential. Future development is intended to be focused in the existing, Settlement Areas, where service expectations can be met. Therefore, it is recommended that Wilderness Road be maintained on a seasonal basis in order to continue to discourage development in an area that is not in close proximity to existing services and infrastructure, and to limit the potential impacts of development on environmental features and natural resources.

Fire and EMS records over the past five (5) years indicate no road related issues with responding to emergencies on Wilderness Road during the winter months. Given that the capital cost estimate for road improvements including land transfer fees is \$4.65 million, the annual maintenance cost increase is approximately \$50,000, and to not exacerbate the infrastructure funding gap that exists for both asset renewal and operating costs, it is staff's recommendation to continue seasonally maintaining Wilderness Road from 1.2 kilometers west of Montpellier Road to its western terminus located approximately 4.2 kilometers west of Montpellier Road.

## Resources Cited

1. City of Greater Sudbury, City Council Resolution No. CC2020-40, February 4, 2020: <https://pub-greatersudbury.escribemeetings.com/FileStream.ashx?DocumentId=29730>
2. City of Greater Sudbury, Planning Services Division, Official Plan: <https://www.greatersudbury.ca/city-hall/reports-studies-policies-and-plans/official-plan/>
3. Ontario Regulation 239/02, Minimum Maintenance Standards – <https://www.canlii.org/en/on/laws/regu/o-reg-239-02/latest/o-reg-239-02.html#document>