Deputation Request

This is my confirmation that I wish to appear as a deputation at the September 8 Committee of the Whole meeting.

Purpose of my Deputation

To ensure that we have snow removal on 5th Line so that we have access to our two residential properties located at Concession 5 Part Lot 18 Reference Plan 16R4184 Part 2 and 3. If snow removal can at least be done to the southerly corner of Part 3, we would have year round access to our two residential properties. With snow removal and year round access to our properties, our expectation would be that we would be provided with all other services that are currently provided to the residents of the Town of Blue Mountain including garbage pickup, emergency services and school bus.

Deputation Material

Our comments (my wife and I) are related to the staff report prepared by Shawn Carey and the quotations are excerpts taken from his report.

We would like to acknowledge and concur with the comment at the beginning of the report: “The town’s winter maintenance standards and level of service (Pol.COR.19.01) is intended to insure that appropriate winter maintenance standards are developed and implemented to meet the Common Law test of reasonableness”.

Pg 2 para 2: “That expectation is a reasonably safe roadway to travel by all road users at all times of the year in all weather conditions. To meet that expectation and the associated liability that comes with such, the roads should be at an acceptable road standard that enables winter maintenance to be successfully undertaken at a municipal level of standard for that specific classification of road.”

- Still confusing to us, and what does not seem to be reasonable, is why there seems to be a different standard applied to our very small section of road, vs. what we see on both an extension of our road (5th Line N of 18th Sideroad), the section of 18th Sideroad west of 5th Line, and 6th Line if the standard is defined by a) safety, and b) liability. If there is a liability and safety risk and ability of the road to handle the equipment then it seems reasonable that our current road meets the standard of what is currently being provided winter maintenance by the town in those named sections above. Please provide proof that these roads have a different subbase that results in improved safety, liability risk and winter maintenance equipment handling abilities than the section of 5th Line we are requesting winter maintenance for, particularly in the areas of Test Pits 4, 5 and 1.
Class 6 seasonal roads: the report states that one of the reasons for this classification is “lack of property access needs”, which was certainly the case for the Lowe properties to date. However, with Development Charges paid upon purchase of the property, and a Rural Residential designation, it is reasonable for the property owners to expect that before building of a home on the property can commence, there needs to be year round access for emergency vehicles (fire, ambulance, police, waste pickup etc.) to the property, which is why we are pursuing a change to Class 6.

Pg. 2, Planning Background section, para 2

“The subject lands are designated Rural in the Town’s official Plan”. Niagara Escarpment has the zoning jurisdiction of the Lowe properties, and it is zoned Rural Residential (Rur Re). Again, it is reasonable on this basis that this land is designated for a dwelling (residential component). If development happens based on RuRe, year round services are required.

Pg. 4, D. Analysis Sub-category comparator roads: Para 1: Omitted was a section of 5th Line north of 18th Sideroad where there are 2 homes getting full winter maintenance on a road width virtually identical to that in front of the Lowe properties and no ditches or culverts evident.

Pg. 4, Road Needs Study Chart: It should be noted that 6th Line has an annual average daily traffic of 11, and is a dead end road, and has a road classification 6 with winter maintenance provided. Whereas 5th Line is annual average daily traffic of >10, is a through road to access 18th Sideroad, and is classified as 6 Seasonal. Since 2018, an additional home has been built on 5th Line between Grey Rd 119 and Sideroad 18, plus there is interest in an additional 4 homes re the Lowe properties and Sly properties, increasing traffic further.

Pg. 4 last paragraph: ditching analysis. We completely agree that there is considerable road structure difference with ditching east of 5th Line on 18th Sideroad. However, there is NO ditching on 18th Sideroad west of 5th Line, or on 5th Line north of 18th Sideroad, both classified as Class 6 roads. Additionally, there is considerable ditching along 5th Line coming from Grey Rd. 119 up to the southern corner of the Lowe Property entrance (corner of Part 3). Certainly more ditching than the two areas noted above.

Pg. 5: Technical Considerations 1st Para: quote “any new road reconstruction is to be conducted in accordance with the town’s engineering standards unless otherwise directed by Council”. The Lowe’s are NOT asking for any different treatment in providing winter maintenance than seems to be already established in the immediate area. On the same note, we don’t want to be held financially responsible for developing roads beyond a standard that has to this point proven to be safe and able to handle the equipment utilized for winter maintenance. (comparative test digs of 18th Sideroad west of 5th Line and 5th Line north of 18th Sideroad and 6th Line would be required to verify any differences that are not evident to the eye). We would like it noted, that the Lowe’s requested test digs to be done at these sites –
otherwise there is no objective, definitive comparison on which to reject our request. Currently, these other sites:
   1) Don’t have ditching
   2) Don’t have 1.5m of shoulder
   3) More than likely, don’t have the proper amounts of granular A and B based on 1) & 2) above, i.e. no road improvement work appears to have been done to reach the new standard.

Pg. 5 Para 2: Based on the report, the test pits results are being used to make the decision on what improvements need to be made to 5th Line (Lowe property area) to change the road designation to Class 6 from Class 6 seasonal. The test digs prove 1 thing: that section of 5th Line doesn’t meet the new standard. It does NOT prove that the current section of 5th Line in question can’t support the equipment and is safe. They also don’t provide comparison data with the other areas of 5th Line and 18th sideroad and 6th Line which are currently receiving winter maintenance.

Pg. 6 Last paragraph “With this section of the 5th Line in its current condition it would be difficult to plow in the early season when the subgrade is weak and soft.” This is speculative without doing the comparative digs noted already, particularly as it would seem that Test Pits 4 and 5 and the corner of the most southerly lot (Test Pit 1) have adequate substrate. How do we know that Test Pits 2 and 3 don’t have the same substrate amount as 18th Sideroad W of 5th, 5th Line N of 18th, or 6th Line???

Pg 6, Para 1: the remainder of the challenges for snow removal listed are all speculative without appropriate comparison data.

Pg. 6, Option 1: Status Quo Please note: there was no request from the Lowe’s for any winter maintenance while the properties were vacant. The whole point to pursuing this now, is to assure the service as year round residences are pursued.

Pg. 6: Option 2: Change Classification to Class 6: Yes, confirmed that is the request.
1st Consideration: Speculative. No comparison with like roadway surfaces done.
Consideration 2: False. Several other roads are the same width (Lowe’s measured)
Consideration 3: Doesn’t meet the Town’s ability to meet minimum service standards. That may be true, but it appears that several other sections of road are also a liability risk to the Town, or while not meeting current standards are still adequate to handle the equipment and are safe enough to receive adequate winter maintenance.
Consideration 4: Absolutely, without snow removal all emergency services would be impaired to reaching any residences during the winter control period.

Pg. 7 Option 3

A) Completely the town’s decision, which is far beyond just the Lowe property consideration
B) Reconstruct 5th Line to corner of most southerly Lowe Lot entrance. The Lowe’s would have no problem agreeing to a turnaround point for the town equipment.

Option 4
Winter Maintenance Agreement: winter maintenance conducted by a 3rd party. If either Option A or B aren’t approved by the Town, the Lowe’s will have no choice but to pursue this option, and would like to understand the implications for other town services (waste pick-up, school buses, emergency vehicles) and the subsequent impact on property taxes with the amended level of services.

Pg. 9, f. Environmental Impact

“Reconstruction of this section of the 5th line will require tree removal and installation of drainage upgrades in order to create a full year Class 6 roadway.” The Lowe’s note there is already drainage ditches in place almost to the most southerly Lot entrance and trees are already removed to that point, so there will be minimal impact. Putting ditches to the same standard along 18th Sideroad west of 6th Line would result in considerable tree removal and environmental impact if they were brought to the same standard.

Conclusions:

The Lowe’s require winter maintenance in order to enable building of permanent residences.

- The properties are zoned Rural Residential – so it is reasonable to expect winter maintenance to a residential home
- The Town is currently providing winter maintenance to similarly structured roads. There is no proof provided demonstrating several roads in the area currently receiving winter maintenance are any different from the area of 5th Line by the Lowe properties, thus it would be reasonable for the Lowe’s to expect winter maintenance
- Again, we don’t believe we are asking for anything more than numerous residents in the areas described above in this report are receiving in terms of services including winter maintenance from the Town of the Blue Mountains.