

Traffic Noise Policy SER-009-027 - Resident Engagement and Access to Property**Report Purpose**

To provide an update to Strathcona County Council ("Council") on administration's engagement and traffic noise study with residents of homes located in the Craigavon Subdivision along Carmel Place, Carmel Court, Carmel Road and/or Carmel Wynd that back onto either Baseline Road or Clover Bar Road. The current measured traffic noise levels for five residential developments in the Craigavon Subdivision ("Properties") were captured in order to provide options to mitigate noise levels and compared against the thresholds identified in the Traffic Noise Policy SER-009-027.

Recommendation

N/A

Our Prioritized Strategic Goals

Goal 2 - Healthy and Safe Community

Goal 4 - Municipal Excellence

Goal 2 Priority - Social supports that enhance community well-being and safety, and build community connection

Goal 4 Priority - Optimal use of resources that meets the community's needs

Report

In response to the Motion passed by Council on July 19, 2022, administration reached out and engaged with five property owners in the Craigavon Subdivision whose residences back on to either Baseline Road or Clover Bar Road. Administration obtained permission from the property owners to access the properties and conduct 24-hour noise studies, as per the policy, in order to ascertain the status of the current traffic noise levels. Of the five properties, three were located at various spots along Baseline Road and the remaining two were located along Clover Bar Road between Baseline Road and Craigavon Drive.

There is existing wood-screen fencing at the properties. The fencing is currently located along the south side of Baseline Road and the west side of Clover Bar Road in the Craigavon Subdivision. The existing wood-screen fencing is located inside the rear property line of the private lots (outside of County property). The current fencing is not built to a noise attenuation standard and is over 20 years old. Along Baseline Road, a vertical berm is incorporated into the back yards. The vertical elevation difference provided by the berm does provide some noise attenuation effect, although the fence is not constructed to a noise attenuation standard.

The noise studies were conducted according to the policy, on mid-weekdays from September 13 to September 28, 2022. The weather during the study period was calm with minimal wind on study days and temperatures varied between nighttime lows of 6°C to daytime highs of 26°C. Traffic during the study times periods consisted of normal traffic volumes and patterns that included the AM and PM peak commuting to/from work traffic and the school peak hours traffic.

The outcome of the five studies showed that current measured traffic noise levels ranged from a low of 52.5dBA $L_{eq}(24hr)$ to a high of 62.8dBA $L_{eq}(24hr)$, depending on the location of the study. The current captured noise levels are consistent with previous noise level

readings gathered from historical studies conducted along Baseline Road and Clover Bar Road over the past 10 to 15 years and do not show an upward trending pattern.

The five studies did not exceed the defined Traffic Noise Policy thresholds; therefore, no noise attenuation measures would be required along Baseline Road or Clover Bar Road in the Craigavon subdivision.

Further to discussions at the Council meeting on July 19, 2022, administration reviewed potential options for the residents in this neighbourhood to pursue construction of a fence to a noise attenuation standard.

Administration's recommended option for these residents would be to construct a new wood fence in their backyards (much of which is near requiring replacement), that is constructed to a noise attenuation standard. A standard drawing for Noise Attenuation Fencing can be found in the County's Design and Construction Standards and can be constructed by most fencing contractors. This work could be constructed individually or as a group, if several of the neighbours want to get the work completed at the same time.

Another option would be pursuant to section 222-226 and 392 of the *Municipal Government Act* (MGA), residents may organize and petition Council for a local improvement project. Residents could petition for a local improvement consisting of the removal of the existing wood-screen fencing and the installation of a replacement standard wood noise attenuation fence as per the current County standards.

Pursuant to the *MGA*, Council is only required to notice or consider a petition if it is sufficient. With respect to a petition for a local improvement project, a petition is not sufficient unless:

- it is signed by 2/3 of the property owners who would be liable to pay the local improvement tax (local improvements are paid in whole or in part by a tax)
- the property owners who sign the petition must represent at least ½ of the assessments for the lots on which the tax would be imposed
- the petition is properly completed and submitted with all supporting documents

After a detailed review of this option with our Legislative and Legal Services department, it was determined that the *MGA* does not allow a municipality to transfer the ownership of an improvement funded through local improvement to the benefitting property owners. Therefore, it must remain an asset of the municipality and would require the County be responsible for all maintenance and future replacement of that asset. These costs cannot be transferred to the benefitting properties. County ownership of fencing adjacent to private property is not consistent with standard practice for residential fencing.

Considering this information, our recommendation would be that even if Council received a valid Local Improvement Petition for private fencing (noise attenuation or otherwise), it should not be approved unless that fencing is clearly required for noise attenuation as per our Traffic Noise policy.

A rough order of magnitude cost estimate to remove the existing wood screen fencing and replace it with a 2.4m high double -board wood attenuation fence, is \$650 per lineal metre. For quick considerations, the rear lot width for 27 properties along the identified corridors average approximately 17 metres wide which would equate to an estimated cost of

\$11,050. As for the remaining 12 lots, their rear fence widths varied from 12 to 37 metres wide which would equate to costs ranging from \$7,800 to \$24,000.

If the project to remove and construct a new noise attenuation fence was to proceed through the local improvement process, the County would seek to discharge any existing Restrictive Covenants pertaining to the fence and look to registering of an easement or utility right-of-way against each title to the affected private lots in the identified corridor at a cost of approximately \$800 per lot. An easement or utility right-of-way can address County access to sufficient and necessary working space in the lots for the limited purpose of County removal of existing fencing and the construction and future structural maintenance of the noise attenuation fence. Any local improvement plan or the adoption of a related local improvement bylaw should not be finalized until the County has the necessary private owner permissions to proceed with removal, construction, and future maintenance wherever the new fence maybe located.

Council and Committee History

July 19, 2022	Council approval: THAT administration engage with residents along Carmel Place, Carmel Court, Carmel Road and/or Carmel Wynd that back on to either Clover Bar Road or Baseline Road to request to schedule access to their back yards to complete up to five sound measures as may be required to effectively measure traffic noise according to Traffic Noise Policy SER-009-027, and prepare a report with an assessment of current traffic noise levels for Council's consideration by the end of the fourth quarter of 2022.
April 12, 2022	The Priorities Committee was provided with information on traffic generated noise, noise attenuation, and the feasibility and implications of the creation of a Noise Barrier Retrofit Program.
Nov. 2, 2021	Council approval: THAT administration provide any available information for the detailed 24-hour noise study reports that are available on sound studies done on homes backing onto Baseline Road or Clover Bar Road from Craigavon and Heritage Hills neighbourhoods dating back to when these were first started in the County.
July 20, 2021	Information Request that administration provides any available information for the detailed 24-hour noise study reports that are available on sound studies done on homes backing onto Baseline Road or Clover Bar Road from Craigavon and Heritage Hills neighbourhoods dating back to when these were first started in the County.
Nov.27, 2018	Council approved an update to Policy SER-009-027 Traffic Noise.
June 12, 2007	Council approved updates to Policy SER-009-027 Traffic Noise.
January 8, 1992	Council approved Policy SER-009-027 Traffic Noise.

Other Impacts

Policy: SER-009-027 Traffic Noise

Legislative/Legal: Local Improvement Petition

Financial/Budget: \$520,000

Interdepartmental: Planning and Development Services, Taxation, Legislative and Legal Services, Finance, Recreation Parks and Culture

Master Plan/Framework: n/a

Communication Plan

The five property owners where the measured traffic noise data was obtained from will be notified by letter as to when the results of the studies conducted on their properties will be presented to Council.

Enclosure

- 1 Traffic Noise Policy SER-009-027, Resident Engagement and Access presentation