

The Township of The Archipelago

Recommendation Report to Committee

Report No.: Work Permit - 2024-10-17

Date: October 17, 2024

Originator: Cale Henderson, Manager of Development & Environmental Services

Subject: Work Permit Application – Healey Lake Trail

RECOMMENDATION

It is recommended that a Public Notice be circulated to property owners within 1000 metres of the trail, the local cottage association, and local marinas to seek public input on the proposed work permit application to upgrade the existing trail to a private road for the use of conventional motor vehicles.

BACKGROUND

A Work Permit Application was submitted by Mr. Adam Schell to the Ministry of Natural Resources to upgrade an existing ATV trail to a full private road to provide road access to 14 residential properties located on Healey Lake. The applicants made a deputation during the July 2024 Council Meeting to introduce the proposal to Council and discuss the background.

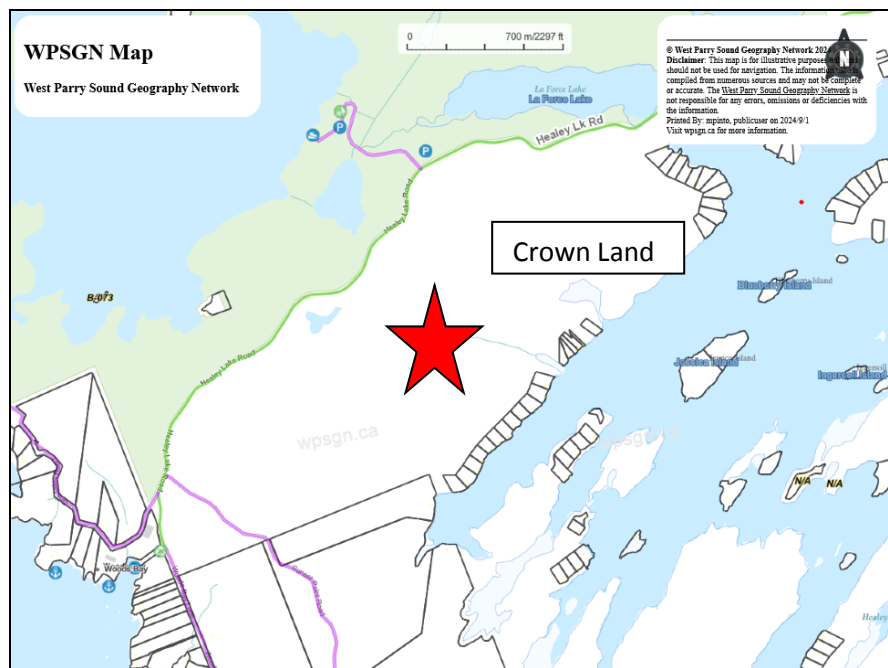


Figure 1 – Location Map

The deputation package that was provided to Council in July, which includes a copy of the Crown Work Permit application and presentation slides, is attached as Appendix A.

POLICY REVIEW

For reference, Section 13 – Roads and Transportation of the Official Plan provides policy direction that needs to be reviewed when considering the current application.

Section 13.10 of the Official Plan states:

'In keeping with the preservation of the water-based character of the Township, the development of private roads, or access roads over Crown land, or extensions to existing roads will be discouraged with the exception of those roads over Crown land used for resource access, and except as herein provided in this section.'

Section 13.11 of the Official Plan states:

'The importance of "Neighbourhood" character to the issue of private roads and access roads over Crown land is recognized.'

Further, Section 13.13 of the Official Plan states:

'Consideration may be given to the development of private roads, or access roads over Crown land, or extensions to existing roads, in the following "Neighbourhoods":

iv) Healey Lake'

Section 13.14 of the Official Plan States:

In those neighbourhoods or parts of neighbourhoods where private roads or access roads over Crown land, or extensions to existing roads may be considered, the following policies shall apply:

a) Where a road or part of a road crosses Crown land, the proponents must confirm that the Province has no objection to the road application.

The Ministry of Natural Resources and Forestry is the approval authority for the proposed road, as it is situated over Crown land. The road cannot be constructed until approval is given by the Ministry of Natural Resources & Forestry.

b) All road applications must be accompanied by an environmental review to determine any impacts on the natural environment. The environmental review should include but not necessarily be limited to determining:

- i. impacts on any wildlife habitat;*
- ii. impacts on fisheries;*
- iii. impacts on wetlands;*
- iv. impacts on drainage patterns;*
- v. impacts on groundwater and/or surface waters;*

- vi. *appropriate mitigation measures, both during and after construction to ensure protection of the environment.*

As the proposed work is on Crown Land, the applicants will need to complete the necessary environmental review in accordance with provincial requirements, to assess the potential impacts on the natural environment with the Ministry of Natural Resources.

c) Road applications shall be required to address issues, problems and concerns related to need, impact on marina facilities and any other relevant planning matters including the nature and scope of any public consultation, circulation to the public and relevant agencies.

The owners have submitted a letter summarizing the proposal. Further, the Township has received preliminary comments and feedback with respect to the impacts on Marinas. The submission and preliminary comments appear to be contradictory. To better understand the potential impacts, additional public input would be required.

d) Road proponents are required to confirm that at least two thirds of the users of the proposed road support the road.

The proposed road is to access 14 out of a possible 18 properties in the immediate area. The 14 property owners have provided their support for the proposal.

e) Road proponents will be required to obtain approvals from relevant agencies from all levels of government including, the public works superintendent, the MTO, the MNR and the Department of Fisheries and Oceans.

The applicants have submitted a Work Permit Application to the Ministry of Natural Resources. Prior to the Ministry providing any approvals, it requires comments from the Township. In addition, approvals would be required from the Township Operational Services & Public Works Department to ensure access from the Municipal Road is appropriate.

f) All owners of properties that will be accessed by a private road, or an access road over Crown land, or extensions to existing roads, enter into an agreement with the Township, to be registered on title of all of these affected properties, to indemnify the Township and all other public bodies of all responsibility for any maintenance of the road and all liability for any use of the road and alleged failure to provide emergency services or any other public services that were not being provided at the time of the creation of the road.

Should the Work Permit Application be approved, all users of the road would be required to enter into the appropriate agreements, per the above policy.

In order for staff to confirm that the application meets the above Official Plan policy, staff are recommending that Council give direction to circulate a Public Notice to the owners within 1000 metres of the trail, the local cottage association, and to local marinas. Once feedback has been received staff will be better able to advise if the proposal complies with the applicable policy.

CONCLUSION

It is recommended that a Public Notice be circulated to property owners within 1000 metres of the trail, the local cottage association, and local marina providers to seek public input on the proposed work permit application to upgrade the existing trail to a private road for the use of conventional motor vehicles.

Respectfully Submitted,



Cale Henderson, MCIP, RPP
Manager, Development & Environmental
Services

I concur with this report
and recommendation,



John. B. Fior, CAO

ATTACHMENTS

1. Appendix A- Crown Work Permit Application