



RECOMMENDATION

Be it resolved that Council passes a by-law authorizing the Mayor and Clerk to sign a Road Encroachment agreement with the Rideau Waterway Land Trust (RWLT) contingent on the following condition:

1. That an encroachment agreement between the applicant and the Township be entered into, it shall be to the satisfaction of the Township and shall include conditions such as (but not limited to):
 - a. Use of road allowance is restricted to providing driveway access only;
 - b. Restrictions on parking on the road allowance;
 - c. Requirement to provide written notice to the Township prior to any work commencing;
 - d. The removal/relocation of the driveway by the applicant at the Township's request should a future need arise for the use of the road allowance;
 - e. All costs to be borne by the applicant to comply with the agreement, including but not limited to, registration on title;
 - f. That all required permits are to be obtained through the proper authorities; and;
 - g. Limiting Township liability through insurance and indemnification of the Township,

As presented in Council Report DS-2025-22.

STRATEGIC PLAN COMMENTS

Sector 2: Environment – Strategic Initiative #4 – Support non-profit organizations efforts to acquire and preserve key ecologically significant land.

Sector 5: Quality of Life/Recreation – Strategic Initiative #2 – Tie into Conservation Authority, Biosphere, and Land Trust Programs.

BACKGROUND

A request has been received from the Rideau Waterway Land Trust (RWLT) to enter into an encroachment agreement with the Township to permit access to an existing lot off Whitefish Lake Road for a community use trail system and nature reserve. The applicants are proposing to create a driveway across an approximately 13m long section of the 20m wide road allowance between Concessions 7 and 8 in the ward of South Crosby (Figure 1).

This request is related to draft approved consent application B-26-25 which was for a right-of-way from Whitefish Lake Road over a piece of private property up to the west side of the unopened road allowance between Concession 7 and 8, Lot 5 South Crosby. The Rideau Waterway Land Trust intends to purchase the large 216-acre property on the east side of the unopened road allowance.

The easement conditionally granted through consent application B-26-25 was one of two parts needed to grant access to the desired property from Whitefish Lake Road. A condition of the consent application was that the proponent either gain access over the unopened road allowance via an encroachment agreement or that the proponent purchase and close that section of unopened road allowance. Either of these two options would address the second requirement for access. More information on this application is found in the staff report (Attachment 1).

DISCUSSION

The proposal seeks to formalize an encroachment previously used for access to the applicants future property and use the area for driveway access to a future parking area and trail head for the proposed community use trail system and nature reserve. Other options have been reviewed by the RWLT for driveway access and parking for the public to use from Whitefish Lake Road, however the topography of the site and existing vegetation patterns made the proposed encroachment area the most viable. The driveway and future parking areas will be located along the existing informal driveway and cleared field areas.

The road allowance subject to this application is partially used by Whitefish Lake Road to the north and south sides of the area proposed for the encroachment. In this specific area the topography required the road to turn off the road allowance to ensure traffic safety and best road construction practices of the time when the road was constructed. Therefore, this section of road allowance is not anticipated to be used for a future municipal road due to the topography and proximity to the existing Township road.

The encroachment on the road allowance is to be restricted to driveway use only (i.e. no parking), which will assist in mitigating impacts to any current Township activities, and there is no anticipated impact on the Township's ability to act in the public's interest as a whole for this situation. A recommended condition on the encroachment agreement is to be that should in the future the Township require the use of the road allowance that the RWLT would be required to find another solution to access their lands. The impact on the surrounding uses has also been assessed. In the area of the road allowance, the lands are all vacant, but could be used for future residential use. Due to the passive use of the RWLT lands of conservation use for trails and nature reserve, traffic is anticipated to be low throughout most of the year, and slightly greater during the summer months especially on weekends. The abutting property which obtained conditional approval for the creation of the right-of-way for the RWLT is currently vacant, and the future development area can be well screened from the proposed driveway. There are no natural or human hazards created or worsened by this proposal, and no land use compatibility concerns have been identified. The agreement should be fairly basic in nature, however should include conditions that ensure that any notable conflicts are addressed and future operations are not impacted.

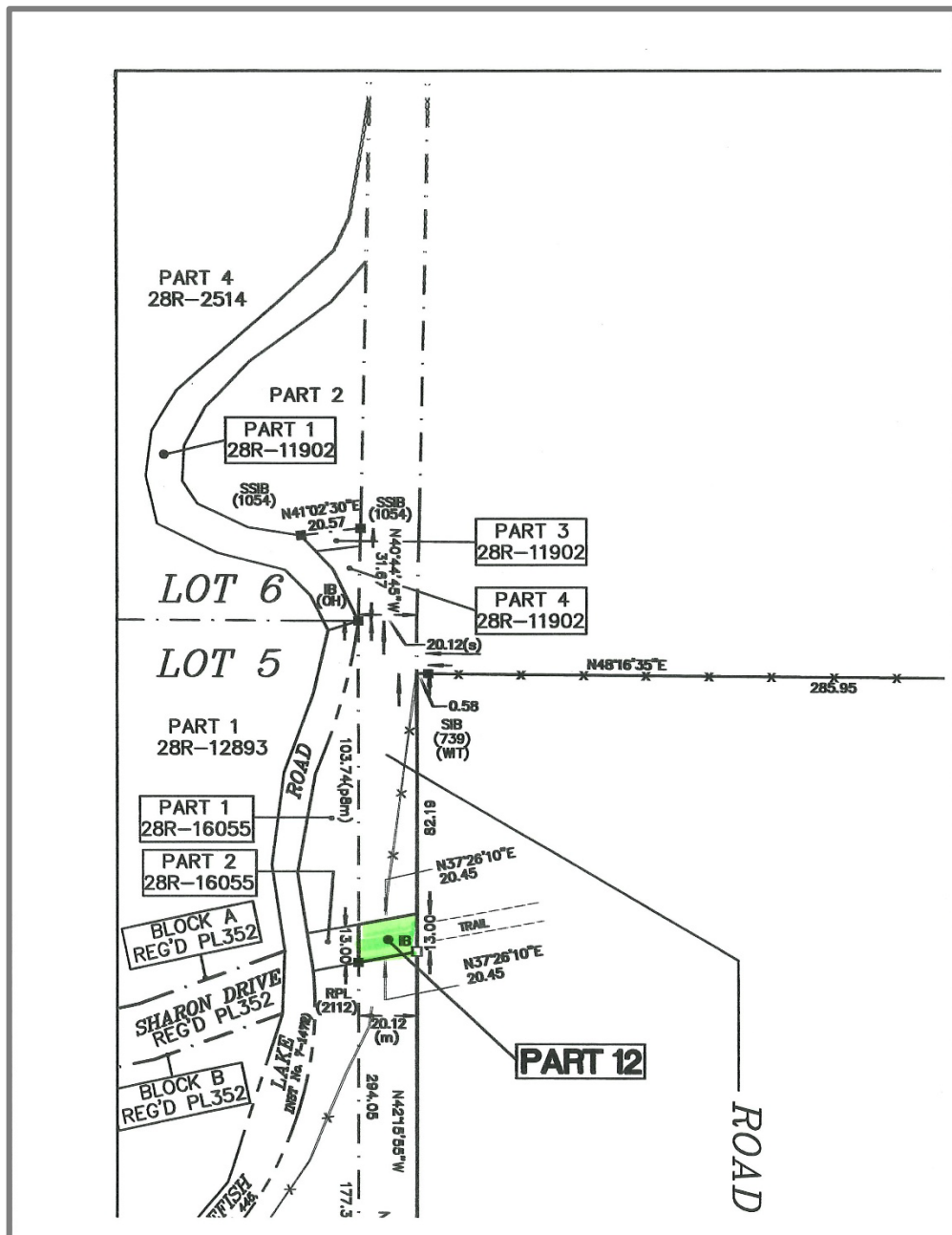


Figure 1: Sketch Provided



Figure 2: Aerial Image of Surrounding Area

FINANCIAL IMPLICATIONS

None – any/all fees are at the applicant’s expense.

ATTACHMENTS

- Drafted Encroachment Agreement

e-signed _____
Foster Elliott, Associate Planner

August 26, 2025 _____
Date

e-signed _____
Tom Fehr, Manager of Development Services

August 27, 2025 _____
Date

e-signed _____
Shellee Fournier, CAO

August 27, 2025 _____
Date