



Committee of the Whole Report

Report Number:	RS2021-038
Meeting Date:	October 5, 2021
Title:	Proposed Amendments to Dock Encroachment Policy CP2018-001 - Update
Description:	Updated Proposed Amendments to Dock Encroachment Policy CP2018-001 following Public Consultation Period and Council Discussion
Author and Title:	Sharri Dyer, Manager – Realty Services

Recommendations:

That Report RS2021-038, **Proposed Amendments to Dock Encroachment Policy CP2018-001 - Update**, be received;

That proposed amendments to Council Policy CP2018-001, "Dock Encroachments", consolidated with the existing policy in track change format at Appendix A and in clean format at Appendix B, be approved;

That By-law 2018-017, "City Lands Encroachment By-Law", as amended to date, be further amended to increase the annual fee associated with boathouse encroachments to \$400.00;

That By-law 2016-009, "Signing Authority By-law", as amended to date, be further amended to delegate signing authority to the City Solicitor for dock licenses with 10-year terms;

That Staff consider whether or not "No Parking" By-laws should be enacted for those portions of Hazel Street, Thurstonia and Cedar Glen, immediately adjacent to the shoreline and, if appropriate, return by-law to Council for adoption; and

That these recommendations be brought forward to Council for consideration at the next Regular Council Meeting.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the Council Meeting of February 13, 2018, Council adopted the following resolution:

CR2018-074

Moved By Councillor Dunn

Seconded By Councillor James

That Report 2018-006, **Proposed By-law to Regulate Encroachments onto City Property**, be received;

That the City Lands Encroachment By-law attached as Appendix A be approved;

That the policy entitled, Dock Encroachments, attached as Appendix B to Report 2018-006, be adopted and numbered for inclusion in the City's Policy Manual;

That the Consolidated Fees and Charges By-law 2016-206 be amended accordingly; and

That the necessary by-laws be brought forward for adoption.

Carried

The framework of CP2018-001 – Dock Encroachments allows the City to deal with dock encroachments in a reactive manner, by offering License Agreements if an application is received directly from a dock owner, or if a complaint is received by Municipal Law Enforcement regarding an encroaching dock.

Currently the only areas that are regulated by License Agreements are Thurstonia, Kenstone Beach and Hickory Beach. In the case of Thurstonia and Kenstone Beach, the dock encroachments were historically permitted by the former Townships, and continued to be allowed upon amalgamation through a permit system run through Community Services. When the permits for those areas expired in 2018, both areas became regulated under CP2018-001 and dock owners were offered License Agreements for a 5-year term in accordance with that policy.

One of the major complaints received from Thurstonia and Kenstone Beach residents was that they felt that it was unfair that they were required to pay annual License fees and maintain insurance on their docks, when there are other areas within the City where docks exist on City property without any formal agreements in place.

Staff brought forward RS2021-004 at the February 9, 2021 Council meeting which introduced policy amendments and recommended that Council direct staff to obtain public input on the proposed amendments and report back to Council by the end of Q3.

At the Council Meeting of February 9, 2021, Council adopted the following resolution:

CW2021-036

Moved By Councillor Dunn

Seconded By Councillor Yeo

That Report RS2021-004, **Proposed Amendments to the Dock Encroachment Policy CP2018-001**, be received;

That the proposed amendments to the Dock Encroachment Policy CP2018-001 be referred to staff for revision and report back at the March 9, 2021 Committee of the Whole Meeting based on comments received from Council; and

That these recommendations be brought forward to Council for consideration at the next Regular Council Meeting.

Carried

In response, Staff made the following revisions to the Dock Encroachment Policy CP2018-001:

1. Added to definitions for “dock” and “boathouse”, and added definition of “front lot owner”
2. Changed the policy to exclude existing back lot owners from Cedar Glen and Hickory Beach in addition to Hazel Street.
3. Changed the Philosophy section to note that Schedule A sets out the proactive docking plan and specify that License Agreements would only be granted on shoreline road allowances and only to front lot owners
4. Changed the minimum spacing between structures from 10 metres to 6 feet
5. Specified that the 3 metre setback requirement would be dealt with as structures require major repair
6. Added permission to store docks on the road allowance during winter months, in areas where a 3 metre setback can be maintained, otherwise winter storage to occur on Licensee’s property
7. Changed the fee structure – docks to remain at \$150.00 per year, boathouses to increase to \$400.00 per year, dock and boathouse \$550.00 per year, and specified that these fees will increase by the Cost of Living index on a yearly basis, unless Licensee pays for the entire 5 – 10 year term upfront

8. Removed note that Realty Services would decide which area(s) would go through the Licensing process each year
9. Added note that requests for new docks/boathouses would be denied
10. Added note that areas not identified for proactive enforcement can make application to request a License Agreement, in which case the Land Management Team would make a determination concerning the entire area
11. Added note that Realty Services will reach out to residents as per the schedule set out in Schedule A of the CP2018-001 Dock Encroachment Policy
12. Set out "Harassment or Workplace Violence" as a specific section and added that if an applicant/Licensee receives a letter outlining an incident of violence or harassment, they may choose to use a representative to continue their process with City staff
13. Added Schedule A – Long Term Docking Plan
14. Added Schedule B – Aerial Photos of Proactive Docking Area
15. Added Schedule C – Example of Front Lot versus Back Lot owner

and brought the matter back to Council at the March 9, 2021 meeting.

At the Council Meeting of March 9, 2021, Council adopted the following resolution:

CW2021-058

Moved By Deputy Mayor O'Reilly

Seconded By Councillor Veale

That Report RS2021-016, **Proposed Amendments to Dock Encroachment Policy CP2018-001 – Update**, be received;

That staff be directed to obtain public input on the proposed draft policy amendments, including a further amendment to remove Hazel St., Thurstonia from the requirement that only front lot owners be permitted docking, and report back to Council by the end of Q3, 2021;

That Hickory Beach agreement be brought back for discussion before License renewal; and

That these recommendations be brought forward to Council for consideration at the next Regular Council Meeting.

Carried

In accordance with Council direction, staff posted a survey (the "Survey") on the City's Jump In website seeking public input on this issue. The Survey was originally scheduled

to run until July 31, 2021 but was extended to August 31, 2021 to capture the entire summer. The City received 362 responses to the Survey, 267 (73.8%) of those had a dock and 95 (26.2%) did not. The City also received 55 responses by e-mail or mail.

Staff provided a summary of the Survey information at the Regular Council meeting of September 21, 2021, as well as proposed additional amendments to Dock Encroachment Policy CP2018-001, taking into account the information received from the Survey. A copy of Report RS2021-035 has been attached as Appendix C for reference.

At the Council Meeting of September 21, 2021, Council adopted the following resolution:

CR2021-442

Moved By Deputy Mayor O'Reilly

Seconded By Councillor Veale

That Report RS2021-035, **Proposed Amendments to Dock Encroachment Policy CP2018-001 - Update**, be received.

Carried

The purpose of this Report is to provide Council with further information that was requested at the September 21, 2021 Council meeting.

Rationale:

Proposed Boathouse Fee

Question 7 of the Survey asked respondents whether they thought the fees (being \$150.00 for docks) and increase to boathouses (to \$400.00) is fair? Of the Survey respondents, 59.4% (215 respondents) felt that this was fair while 24.3% (88 respondents) felt that it was not fair.

The remaining 16.3% (59 respondents) took the opportunity to clarify their answer, with 21 respondents being agreeable to an increase (ranging from agreeing with covering administration costs to being agreeable to a significant increase in line with marina fees or waterfront property taxes), 11 respondents expressing that docks and/or boathouses should be not allowed on municipal property at all, 8 respondents feeling that there should not be an increase or that the increase was too high, 4 respondents noting that there should be no fees at all, 2 respondents indicating that the municipality

should sell the shoreline instead of licensing it¹, and 2 respondents expressing indecision on the matter. The final 8 respondents did not specifically address the question, instead providing comments regarding high waterfront taxes, inquiring why some areas are being proposed for licensing and not others, and asking about fees for boat lifts or decks.

Set out in Appendix D is a graph of the responses to this question. Appendix E is a copy of the Summary Report of all responses to the Survey and Appendix F is a copy of the Detailed Report of all responses to the Survey.

Receptiveness to Dock Encroachment Policy

At the meeting of September 21, 2021, Council asked Staff how many respondents were supportive of the Dock Encroachment Policy and how many were opposed. This question is not quantifiable, as it was not a question specifically asked in the Survey.

Approximate Number of Docks Proposed for Licensing

Another question asked of Staff at the September 21, 2021 Council meeting was how many docks are being proposed for licensing. In Thurstonia, there are approximately 176 docks currently being licensed, with 10 proposed to be removed at renewal due to the owners being located further than 400 metres from their structure. Cedar Glen Road has approximately 34 docks currently located on the property, with 9 being proposed for removal due to the owners being located further than 400 metres away from their structure. Kenstone currently has 16 docks being licensed, but with no renewal proposed in the absence of the consent of the property owner.

The remaining areas have not yet been subject to site visits by Staff and therefore, the approximate number of docks located in each area cannot be quantified. Staff have estimated (based on visual review of GIS maps) each area identified for proactive enforcement per amendment to the docking policy (see Schedule B)² to have approximately 20-50 docks. This amounts to an estimated 140 docks, when accounting for 30 docks for each of these areas.

¹ With front lot owners along Cedar Glen and the owners along Grove Road (all of whom are front lot owners; there being no back lot docking in the area) echoing this sentiment through email.

² Hickory Beach is managed as 1 license to a docking association. There is no impact to City infrastructure associated with this license, as there is no travelled and assumed City road in proximity to the docking in this situation. For each of Grove Road, Avery Point Road, Long Beach Road and Lake Dalrymple Road, an estimated 20-50 docks may be licensed. In total, this would be 80-200 for these 4 areas.

In summary, the City is currently managing 197 dock and/or boathouse licenses.³ If the proposed amendments to the docking policy are accepted, the City will be managing an estimated further 155 licenses for a total of 352 licenses. This is an increase of 79% to current volume, phased in over a 5-year period, to address staffing pressures.

Other Alternatives Considered:

Outside the scope of this policy and this report is Realty Services' general approach to land sales. Certain docks in certain areas, such as along Grove Road, Fenelon Falls, may qualify for sale rather than license. Where this is an option (such as where the sale will not impact road operations), this will be pursued as the better option and an alternative to licensing. In fact, several parcels along Grove Road have already been transferred in this way.

Alignment to Strategic Priorities:

The recommendations set out in this Report align with the following strategic priority:

- Good Government
 - Asset Management

Financial/Operation Impacts:

Proactive enforcement of the Encroachment By-law in relation to docks will assist capital works on the roads in the identified neighbourhoods. In other words, it will allow for upgrades to roads in the areas identified.

Proactive enforcement of the Encroachment By-law in relation to docks is anticipated to have a staffing pressure on Municipal Law Enforcement Office and Realty Services Division for the next five years. Land sales have an even greater one-time staffing pressure (as per the alternative offered in the case of portions of Grove Road, for example). However, following this 5-year period, staffing pressures from these encroachments will reduce from the baseline experienced prior to the enactment of the Encroachment By-law in 2018. Community Services noted that they spent 400 hours every two years on Encroachment issues. Public Works did not track their time related to Encroachment issues prior to 2018, but noted that a not-insignificant amount of their

³ The City has approved additional licenses on Treewood Lane (2), Front Street (Bobcaygeon), etc.

time was spent with encroachment issues, as the City was not effectively managing encroachments onto City roadways at that time.

Consultations:

Public (via Jump In Survey and direct communications)
Senior Management Team
Trent Severn Waterway

Attachments:

Appendix A – Proposed Amendments to Dock Encroachment Policy CP2018-001 (track changes)



Appendix A - DRAFT
Amendments to CP2

Appendix B – Proposed Amendments to Dock Encroachment Policy CP2018-001 (clean copy)



Appendix B - DRAFT
Amendments to CP2

Appendix C – Report RS2021-035



Appendix C -
Report RS2021-035.i

Appendix D – Graph (Responses to Survey Question 7)



Appendix D - Graph
(Responses to Surve

Appendix E – Summary Report (Jump In Survey)



Appendix E -
Summary Report (Jui

Appendix F – Detailed Report (Jump In Survey)



Appendix F -
Detailed Report (Jun

Department Head E-mail: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson