

Council Report

Report Number:	RS2021-044
Meeting Date:	November 16, 2021
Title:	Proposed Amendments to Dock Encroachment Policy CP2018-001
Description:	Updated Proposed Amendments to Dock Encroachment Policy CP2018-001
Author and Title:	Sharri Dyer, Manager – Realty Services

Recommendations:

That Report RS2021-044, **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 B and in clean format at Appendix C, 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 Staff be directed to commence proactive enforcement of the Encroachment By-law 2018-017 with respect to docks on Cedar Glen Road, and be authorized to license up to 22 individual dock licenses in that area; and

That Staff be authorized to license up to 176 out of the 177 existing licensed private individual docks on Hazel Street, when those dock licenses come up for renewal.

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.

Staff has brought forward several reports to Council for its consideration, recommending amendments to the Dock Encroachment Policy CP2018-001:

1. RS2021-004 at the February 9, 2021 Council meeting, resulting in CW2021-036, which received the policy and directed public consultation;

2. RS2021-016 at the March 9, 2021 meeting, resulting in CW2021-058, which received the report, requested an amendment that would enable persons off Hazel Street to be eligible for a dock on Hazel Street; directing Hickory Beach be brought back to Council for consideration prior to license renewal, and directed further consultation;
3. RS2021-035 at the Regular Council meeting of September 21, 2021, resulting in CR2021-442; and
4. RS2021-038 at the COW of October 5, 2021, resulting in the report being received and referred to today's date.

The purpose of this Report is to provide Council with a revised recommendation for amendment to the Policy, taking into consideration all the feedback received from Committee of the Whole, Council and the public to date.

Rationale:

Background

The Background Section of the Policy is currently out of date, and is proposed to be updated to reflect the current status of licensing of docks throughout the City.

Spacing between Docks

The existing policy requires that the use does not result in overcrowding of the waterfront. This was subjective, and was not quantified. For clarity and to ensure consistency in decision making, proposed is a target (not mandatory) of 6-foot spacing between docks. In conversation with a representative for The Hickory Beach Dock Owners Association, the Association believes that this is achievable. Pursuant to conversations with dock owners in Cedar Glen, Staff believe that this is achievable with a proposed 22 licensed spaces at that location. Staff recognize that this will not be achievable with the proposed renewal of 176 of the 177 docks currently licensed at Hazel Street, when those licenses come up for renewal.

Proposed Boathouse Fee

Proposed increase from \$150.00 per year to \$400.00 per year for a boathouse. Payment for a dock to remain at \$150.00 per year. Application fee to remain at \$125.00 per year.

Inclusions in Fee

Policy amended to include associated stairways, boat lifts, hydro, water intakes, retaining walls, elevated decks, multi-story decks.

Existing Docks only are Eligible for License

The existing policy allows new docks to be placed on City property, however the practice has been only to approve existing docks for license. Proposed to be added to the policy is confirmation that no new docks will be permitted and that only existing docks be permitted for license.

Dock owners must live in the Neighbourhood where the Dock is Located

The Neighbourhood for Hazel Street and Cedar Glen Road is set out in maps appended to the policy (Appendix B and Appendix C) at Schedules A and B. For the balance of the City, the Neighbourhood will be that area within 400 metres of the dock.

Setback from Road

Licensees will be encouraged to maintain a 3 metre setback from the edge of the travelled road.

Proactive Enforcement

Current procedure indicates that license is upon request to the City, or in response to a complaint by the public or by the City (when City infrastructure is being impacted). In other words, that licensing is retroactive or problem-based. This will remain for all areas outside Hickory Beach, Kenstone Beach and Hazel Street (Thurstonia), all of which are being managed proactively due to identified pressures/problems in those areas. Added to the list of proactively-enforced areas will be Cedar Glen, as the majority of the residents in that area have expressed a desire for a reduction of numbers of docks.

Hickory Beach

License expires in May 2023. Docking Association has indicated they can be compliant with a policy or lease terms requiring a 400 metre maximum distance between dock and associated residence and 6-foot spacing between docks. The license will come to Council for renewal as part of a separate report, prior to expiry. These additional conditions will be recommended amendments to the license agreement. The proposed term will be 10 years.

Hazel Street Thurstonia

177 docks and 13 boathouses are currently being licensed along this approximately 4,060 feet of shoreline. See maps at Schedules A and B of the Policy (attached as Appendix B and Appendix C) setting out the neighbourhood for eligibility. Two docks are owned by someone without a residence in the area. See map at Appendix D for location of impacted resident.

Cedar Glen

Approximately 36 existing docks. See maps at Schedules A and B of the Policy (attached as Appendix B and Appendix C) setting out the neighbourhood for eligibility. This would result in an estimated 11 removals, resulting in 22 docks remaining of which 11 are belonging to front lot owners (persons immediately adjacent to shoreline road allowance) and 11 back lot owners (persons not immediately adjacent to shoreline road allowance).

Attached at Appendix A is a copy of Dock Encroachments Policy CP2018-001. Attached at Appendix B is a track change version of the consolidated proposed amendments to that policy. Attached at Appendix C is a clean version of the consolidated policy, if the recommendations are approved. Attached at Appendix D is a map outlining the location of the impacted resident whose dock will be removed from Hazel Street.

Other Alternatives Considered:

None

Alignment to Strategic Priorities:

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

- Good Government
 - Asset Management

Financial/Operation Impacts:

None. Licensing encroachments has been part of the Realty Services' core service function since 2018. All License Fees will continue to be placed in the "Boat Docking Fee" account within the Realty Services budget.

Consultations:

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

Trent Severn Waterway
Committee of the Whole
Council

Attachments:

Appendix A – Dock Encroachment Policy CP2018-001



Appendix A -
CP2018-001 Dock En

Appendix B – Proposed Amendments to Dock Encroachment Policy CP2018-001 (Track Changes)



Appendix B -
CP2018-001 Dock En

Appendix C – Proposed Amendments to Dock Encroachment Policy CP2018-001 (Clean Copy)



Appendix C -
CP2018-001 Dock En

Appendix D – Map (Location of Impacted Resident – Dock Removal from Hazel Street)



Appendix D -
Map.pdf

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