

CITY OF ORILLIA

TO: Council Committee – September 10, 2018
FROM: Forest Avenue Working Group
DATE: September 6, 2018
REPORT NO: ED-18-17
SUBJECT: Forest Avenue Working Group Update

Recommended Motion

THAT Council expand the scope of the Forest Avenue Working Group to explore alternate locations within the City of Orillia (privately owned and municipally owned lands) for a commercial barging location and that this this exploration include a review of commercial barging availability through local marinas.

Purpose

The purpose of this report is to provide Council with an update regarding the progress of the Forest Avenue Working Group.

Background & Key Facts

- On January 18, 2018 staff brought forward a comprehensive report ([ED-18-01](#)) to address encroachment matters in and around the Forest Avenue South road allowance.
- On January 29, 2018, Council resolved:

THAT, further to Report ED-18-01 dated January 18, 2018 from the Economic Development Department, a reference/building location plan be submitted by, and at the cost of, the applicants which identifies all “as built” encroachments on municipal land;

AND THAT staff be directed to prepare a Temporary Use By-law pursuant to Sections 34 and 39 of the Planning Act to regulate the placement and use of all shoreline structures on the shoreline of or in Lake Simcoe in front of the property municipally known as 371 Victoria Crescent and on the Forest Avenue road allowance and the municipally-owned water lot in front thereof for up to a two-year period, the provisions of which shall include, but may not be limited to:

- the number of docks permitted*
- the length of the docks*
- recognition of existing shoreline structures that do not comply with the Zoning By-law provisions*

- installation and removal dates for all docks and in-water structures
- the applicable considerations outlined in Schedule "F" of the report
- that Policy 1.6.1.1 - Grape Island Mainland Dock be waived contingent upon the successful passage of a Temporary Use By-law;

AND THAT staff be directed to prepare a by-law, which shall be in effect for up to a two-year period, to regulate the use of the Forest Avenue road allowance and docks that includes the following:

- a definition for "barge"
- barging be permitted from October 15th to May 15th subject to the issuance of a permit
- barging be permitted from May 16th to October 14th, subject to the issuance of a permit, on Tuesdays through Thursdays (save and except for Statutory Holidays)
- barging be permitted from May 16th to October 14th for barging services which is limited only to attendance for septic system or holding tank failures, emergency heating/fuel deliveries to Orillia residents
- no overnight mooring on Grape Island dock(s)
- all barging operations shall be restricted to the hours of 8:00 a.m. to 8:00 p.m.;

AND THAT staff be directed to grant a Licence of Occupation to the property owners of 371 Victoria Crescent for the stairs, dock, deck, boat lift and hedge encroaching onto the Forest Avenue South road allowance and the adjacent municipal water lot as set out in Schedule "I" of the report in accordance with the Temporary Use By-law;

AND THAT within 60 days, a Working Group be established consisting of the following:

- up to three Grape Island representatives
- up to three Victoria Point representatives
- Ward 1 Councillors
- Manager of Real Estate and Commercial Development;

AND THAT the Working Group be mandated to work together to create an amicable solution to challenges within this area and report back to Council within the two-year period with a preliminary report back from the Working Group to Council Committee by September 10, 2018;

AND THAT a budget of \$3,000 for legal consultation be approved and funded from Operating Contingency."

- In April 2018, both the GIPOA and the Victoria Point representatives provided the names of three individuals who would be representing them on the Working Group, and the Working Group was therefore established.
- On April 16, 2018, the Manager of Real Estate and Commercial Development contacted the Working Group to advise that an appeal of the Temporary Use By-law

(TUB) had been received, and that staff would not proceed with Working Group meetings until the appeal had been disposed of.

- On July 13, 2018, the Manager of Real Estate and Commercial Development was advised that the appeal had been withdrawn.
- On July 31, 2018, the first Forest Avenue Working Group meeting was scheduled.
- The Forest Avenue Working Group met for the first time on August 21, 2018.

Options & Analysis

The Forest Avenue Working Group presents the following options for consideration:

Option 1

THAT Council expand the scope of the Forest Avenue Working Group to explore alternate locations within the City of Orillia (privately owned and municipally owned lands) for a commercial barging location and that this this exploration include a review of commercial barging availability through local marinas.

- The Working Group has committed to working together to find a long term solution to the Forest Avenue South road allowance encroachment matters, through discussion at monthly meetings, and will report back within a two-year period.
- During the first Working Group meeting, the GIPOA and Victoria Point representatives established their “starting points” in entering the negotiations. This has been included as Schedule “A” to this report.
- This exercise was valuable in determining the areas where critical discussion will be required.
- The first key issue discussed was commercial barging.
- After much discussion, the group came to the consensus that both GIPOA and Victoria Point residents should have access to commercial barging and that the group should attempt to achieve this principle through the negotiations.
- The group could not agree on whether or not the Forest Avenue South road allowance should be used for commercial barging.
- The group felt that it was important to first understand if alternative locations for commercial barging were available within the City of Orillia.
- The Forest Avenue Working Group was “mandated to work together to create an amicable solution to challenges within this [Forest Avenue] area”, and therefore this work is outside the mandate of the Forest Avenue Working Group.
- As such, the Working Group recommends to Council that the scope of the Forest Avenue Working Group be expanded to include a review of alternate locations for commercial barging, and that through this expanded scope, commercial barger(s) be consulted for technical expertise.
- This process would require the Working Group to understand and set criteria for compatibility (location, water depth, compatibility with neighbouring land uses, etc.), examine the current availability and costs of operating from local marinas, and undertake a financial analysis of potential sites to fully understand any cost

implications to prepare the site for commercial barging (property acquisition, legal fees, pier/dock facilitation).

- Through this review industry experts, such as engineers, shoreline development consultants and provincial ministry professionals would be consulted to better understand the technical requirements for a commercial barging location. This expertise would be limited to resources whom are willing to share information without compensation.
- If Council feels that the services of a qualified shoreline development consultant should be retained, Council may consider directing staff to prepare a capital budget submission for these services for the 2019 budget process.

Option 2

THAT Council receive this report as information.

Should Council choose this option, the Forest Avenue Working Group scope of work would not be expanded, and negotiations would continue.

Financial Impact

While the recommended motion will have a significant impact of staff resources, and potentially, other real estate files, there is no direct financial impact associated with the recommended motion.

If Council approves Option 1, the Forest Avenue Working Group would report back on findings associated with the review of alternative sites for commercial barging. This report would include a cost analysis for Council's consideration.

There are no financial impacts associated with Option 2.

Consultation

Option 1 contained within this report is the recommendation of the Forest Avenue Working Group.

The Economic Development Department offers the following comments:

- City staff (Parks, Recreation and Culture Department) have undertaken significant review of alternative locations for the City's boat launch in 1997, 2007, 2008, 2009 and 2011. The [July 12, 2011 staff report](#) on this matter provides the most recent update on this review of alternative locations. This process included many of the same site selection criteria relevant to commercial barging, including water depth, proximity to residential neighbourhoods, incompatibility with neighbouring land uses, limited road access and lack of space for associated parking. The 2011 report concluded that there were challenges with alternate locations, including difficulties in finding suitable alternatives locations and issues related to the costs of development of new sites.

- Staff have received a legal opinion from the City's solicitor which states that the City is not obligated to permit commercial barging at the Forest Avenue location or to source an alternative transportation corridor for commercial barging.
- If it is determined through the Forest Avenue Working Group that the Forest Avenue South road allowance is not an appropriate location for commercial barging, commercial operators would continue to have the opportunity to pursue private land and development approvals for commercial barging, and/or work with privately owned marinas to operate from those locations.
- The proposed expansion in scope would require significant staff time and resources, especially as it pertains to the evaluation of an unknown number of privately owned properties which have waterfront access.
- Economic Development staff are currently working on a number of high priority files including the Waterfront Redevelopment Project, the launch of the Downtown Tomorrow CIP Tier 3 Programs, the sale of 150 Front Street South, and the disposition of land in the Dougall Canal.
- Staff do not have the capacity to undertake the proposed research at this time, unless one of the above noted projects is suspended.
- If Council approves Option 1, staff would not be able to initiate research prior to the second quarter of 2019 unless one of the above noted projects is suspended.

Economic Development Impact

There is no direct Economic Development impact associated with the recommended option.

Communications Plan

Currently all communications to members of the Grape Island Property Owners' Association (GIPOA) and residents of Victoria Point will be done by way of direct communication with their representatives on the Forest Avenue Working Group.

Relation to Formal Plans, City of Orillia Policy Manual and/or Guiding Legislation

The recommendation included in this report is related to the following formal plans, the City of Orillia Policy Manual and/or guiding legislation:

- City Policies 1.6.1.1 – Grape Island Mainland Dock and 1.7.1.1 – Real Property Policy.

Conclusion

The Forest Avenue Working Group has been established, and has met to determine a negotiation "starting point". The Working Group is requesting Council's approval to expand its scope to include a review of alternate commercial barging locations.

Prepared by & Key Contact: Laura Thompson,
Manager of Real Estate & Commercial Development

On behalf of the Forest Avenue Working Group:
Ted Emond – Ward 1 Councillor
Sarah Valiquette-Thompson – Ward 1 Councillor
Shelley Hunter – Victoria Point Representative
Gerry Metzger – Victoria Point Representative
Paul Rastas – Victoria Point Representative
Jim Boys – GIPOA Representative
Jed Levene – GIPOA Representative
Miranda Cudmore – GIPOA Representative

Approved by:

Richard Bertolo,
Director of Business Development

Schedules

- Schedule “A” – Forest Avenue Negotiating Terms

Overview of Options for Forest Avenue Road Allowance
 (Options are subject to change pending discussions with applicants and subject to Senior Management Team review)
 As of August 21, 2018

| Term/Issue/Condition | GIPOA Preference | Victoria Point Preference | Consensus | Notes |
|--|---|--|-----------|---|
| 1 GIPOA Dock Position | In location as of 2016 | N/A | | Include information on proposed setbacks from projected lot lines. |
| 2 Hunter Dock/Lift Position | N/A | In location as of 2016 | | |
| 3 Number of GIPOA Docks | 2 docks | In location as of 1956 | | |
| 4 Length of Docks (as measured from shoreline) | 50 ft (as measured from pier) | Current length | | Pending approval by MNR and DFO and Transport Canada. |
| 5 Is Commercial barge use permitted? | Yes | No | | |
| 6 Barge use date restrictions? | No | If permitted, not on weekends, 2-3 days per week | | Number of permits, vs days of the week. Concerns regarding enforcement. Trucks turning around at the intersection. Truck traffic in residential neighbourhood. Concerns regarding property value. |
| 7 Barge use time restrictions? | No (other than existing noise by-law) | If permitted, 9am-5pm | | |
| 8 Changes required to concrete pier? | Ideally pier would be adjusted to align with road allowance, at the cost of the City | Would prefer no changes to the concrete pier | | |
| 9 Mooring restrictions? | No | No overnight mooring on GIPOA docks, and rules on how to tie boats | | |
| 10 | Seeking permanent solution, with opportunity for 5 year extensions. No idling trucks on the road. | Seeking resolution to safety issue (trucks reversing through the intersection), seeking policy on this | | Lease term for GIPOA Dock(s): Space is required for emergency vessel parking. |
| Additional considerations | | | | |