

Background

Ramsey Lake Docking Privileges at 322 McNaughton Terrace

In August 2011, City of Greater Sudbury (City) passed a resolution approving the purchase of 322 McNaughton Terrace. This purchase enabled the completion of the waterfront walkway from Bell Park main beach to McNaughton Terrace. The demolition of the building formerly on the site was completed in March of 2012.

In May 2012, the City scheduled a meeting with boat owners who had been permitted docking privileges with the previous owner of the building. The boat owners wished to continue docking at the site which was now public parkland. Four individuals were identified in a letter to the City of Greater Sudbury Real Estate Department from the Solicitor of the previous owner, indicating they had been docking at that property in the past. There was no written agreement regarding any docking arrangements between the former owner and the boat owners. Only one boat owner has property on Ramsey Lake which is water access only.

In June 2012, City of Greater Sudbury authorized that a docking lease agreement be negotiated with the four individuals who had docking privileges with the previous owner of 322 McNaughton Terrace. The existing permanent dock was removed from the site as it was unsafe for use and the boat owners paid for the installation of their own docks, which met the requirements provided by the City. A letter from the City was sent to the four individuals, indicating that they were responsible to maintain and insure the docks.

A report was presented at the April 3, 2017 Community Services Committee meeting entitled "Ramsey Lake Docking Privileges". The report identified issues with restricting docking at the 322 McNaughton Terrace site to the four individuals with authorized privileges. The report also noted the opportunity to complete the walkway along the shoreline from Bell Park main beach to McNaughton Terrace now that the Rowing and Canoe Clubs have moved to the Northern Water Sports Centre.

The following resolution was passed at the April 3, 2017 Community Service Committee meeting:

WHEREAS the City of Greater Sudbury purchased the property at 322 McNaughton Terrace in 2011 to complete the waterfront parkland between Bell Park main beach and McNaughton Terrace green space, and;

WHEREAS docking privileges have been continued for four private boat owners at this site, and;

WHEREAS the City of Greater Sudbury operates the Ramsey Lake boat launch to enable boat owners public access to Ramsey Lake in close proximity to this site, and;

WHEREAS one of the boat owners currently docking at McNaughton Terrace owns water access only property on Ramsey Lake, and;

WHEREAS the continuation of the public walkway between Bell Park main beach and McNaughton Terrace supports the principles and values for management of the waterfront identified within the Bell Park Master Plan (1999);

THEREFORE be it resolved that the docking privilege be relocated to the Ramsey Lake boat launch and the boat owners be required to make use of the launching facilities located there for public use.

At the City Council meeting of April 25, 2017 the matter was referred back to the Community Services Committee as additional information was presented to the City.

The water access only property owner submitted a letter to the City providing additional information regarding docking at Ramsey Lake. The individual stated that they had complied with all the requirements and expectations as set out by the City regarding docking including obtaining necessary liability insurance and maintenance of the docks. The individual stated that the City had not made any contact to develop a legal agreement outside a letter sent on October 16, 2012 outlining expectations.

Docking at Ella Lake (Capreol)

The former Town of Capreol had permitted private docks to be built abutting the City owned land known as Ella Lake Park. Parking privileges were also granted to camp/cottage owners on Ella Lake. This practice has continued since amalgamation with a seasonal parking fee charged to known residents.

In October 2015, the City hosted a meeting at the Capreol Community Centre with respect to docking and parking at Ella Lake Park. The purpose of the meeting was for the City to identify individuals currently docking off the City owned Ella Lake Park. The meeting was also an opportunity to discuss issues regarding docking, the public boat launch and seasonal parking at Ella Lake Park.

At the meeting it was determined that there were nine water access only camp/cottage owners with a dock abutting Ella Lake Park. There was also a resident with a dock not living on the lake, but rather lived nearby. There was also an additional resident with water access only that was inquiring about installing a dock abutting Ella Lake Park property.

The following issues were discussed during the October 2015 meeting:

- The public boat launch area required repairs.
- Signage required identifying public boat launch and private docks.
- The City would not be responsible for preventing public use of private docks.
- Agreements were deemed necessary with individuals with private docks which would outline responsibilities for maintenance and responsibilities.
- Dock owners were not to promote docking privileges as part of any sale of property. New agreements relating to docking privileges would be required with new owners.

- It was requested that the City review parking fees and to investigate providing additional parking spots for camp/cottage visitors.
- It was suggested that a boat wash station be installed at the public boat launch.

More recently, the City has received other inquiries to install floating docks off the public beach area at Ella Lake Park. The inquiries have come from residents who have property abutting the Ella Lake Park.

Analysis

The City is home to 330 lakes, more lakes than any other municipality in Canada. Boating and other water based activities are important leisure and recreational opportunities for residents and visitors. As such, the City maintains a number of public boat launch areas, including public boat launches at Ramsey Lake and Ella Lake.

Granting docking privileges abutting public parkland to a select few residents for leisure and recreational purposes only is difficult to justify. With respect to docking at 322 McNaughton Terrace, there are three individuals who do not live on the lake but had these privileges initially through the former Sudbury Boat and Canoe business and subsequently granted through the City. There is one individual with docking privileges at Ella Lake Park who is not a water access only resident. At the time of the report this individual was in the process of selling their property. It is recommended docking privileges for these individuals cease at the end of the 2017 season and they be required to use public boat launching facilities starting next year.

At both locations, there are water access only residents who have had docking privileges; one at McNaughton and nine identified at Ella Lake Park. These individuals have camps/cottages on Ramsey or Ella Lake with no access by road. These residents have relied on docking privileges as a way to access their camps and cottages. It is recommended that docking privileges be granted to only those individuals owning property on either Ramsey or Ella Lake, with no alternate access.

Should the City of Greater Sudbury approve/maintain docking privileges, appropriate legal agreements will be required for both locations. As has been previously indicated, agreements were not issued by the City for docking privileges at 322 McNaughton Terrace. Only a letter outlining terms and conditions was sent by the City. The City had also committed to a formal agreement with those docking at Ella Lake Park, but nothing has been issued to date.

The docking agreements will include the following:

- Insurance requirements
- Docks subject to approval of other governing bodies (Ministry of Natural Resources, Fisheries and Oceans Canada, Conservation Sudbury, etc.)
- Docks to be built and maintained as per City of Greater Sudbury standards
- Responsibilities for maintenance and capital costs associated with the docks will be of the private dock owner.

Parking implications also require further investigation. By-Law 2013-54, the bylaw regulating parks in the City of Greater Sudbury, states that no vehicle is to be parked in a public parking area when the park is closed except where authorized by use of a permit. Should City of Greater Sudbury approve/maintain docking privileges, a separate facility agreement for parking will be required, along with applicable fees (in the case of Ella Lake Park).

Next Steps

If direction is given by the City of Greater Sudbury to maintain/approve docking privileges for water access only residents identified at Ramsey and Ella Lake, appropriate agreements will be issued. Appropriate parking permits will also be required.

Those individuals who currently have docking privileges at McNaughton Terrace and the Ella Lake Park with no water access only property will be advised that docking privileges will cease at the end of the 2017 season. These individuals will be required to remove docks at the end of the season, and will be required to use public boat launch facilities in future years.

Resources Cited

Docking Privileges at 322 McNaughton Terrace, Community Services Committee (June 25, 2012)

<http://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&attachment=17067.pdf>

Docking at McNaughton Terrace, Community Services Committee (November 5, 2012)

<http://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=565&itemid=6431&lang=en>

Ramsey Lake Docking Privileges, Community Services Committee (April 3, 2017)

<http://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=1151&itemid=12291&lang=en>

By-Law 2013-54, A Bylaw of the City of Greater Sudbury to Regulate Parks Under the Jurisdiction of the City

<https://www.greatersudbury.ca/linkservid/841B298C-A1F8-9D80-2CDAFF89B672FB0B/showMeta/0/>