



Proposal to the Township of Minden Hills
Bob Lake Public Boat Launch

Bob Lake Association Board of Directors
April 25, 2019

Executive Summary

The Bob Lake Association (BLA) is pleased to make this delegation to the Township of Minden Hills for restoring public boat launch access on Bob Lake.

Bob Lake is a valuable public asset, access to which the public has been denied for the past three years. A recent Minden Times article entitled “[Access to water](#)” states “*Haliburton County’s lakes are everything, they are central not only to its economy and in attracting visitors, but also to the community’s way of life.*” and concludes that our county/municipal governments must ensure that “*the public still has adequate and safe access to waterbodies – not just now, but for generations to come.*”. The BLA encourages the Township of Minden Hills to heed this advice and is confident that the proposal brought forward in this delegation provides the basis of a solution for a safe and viable site for public boat access along with cost recovery options that do not burden the Township’s tax budget. We trust that Council shares this confidence and acts on these recommendations. It is clear to us that there is strong support to resolve this matter from all candidates in the October municipal election (responses can be read on our website [here](#)).

The BLA’s first delegation highlighted the many benefits of a public boat launch to Bob Lake property owners, local businesses, and the municipality at large (see references in [Appendix I](#) for full details). A brief summary of these include:

- **Maintain municipal tax revenues** by avoiding a reduction in property assessment values from impacted resale prices.
- **Reduce shoreline impacts** by avoiding an increase in the number of private boat launches constructed.
- **Provide better access for authorities** to facilitate things such as OPP search and rescue operations.
- **Improve local economy** by helping local businesses that rely on public lake access to provide their product or services.

Since the rejection of the first proposal made in November of 2017, the BLA has done an exhaustive analysis of alternative launch sites on Bob Lake (separate document included with delegation and posted to the BLA website [here](#)). From this we have concluded that there are only three viable locations for a public boat launch on Bob Lake:

1. The Claude Brown road allowance as presented in our original delegation (referred to as “Plan A”)
2. The north-east corner of the same (dam) property hosting the original launch (referred to as “Plan B”)
3. The original public boat launch site reclaimed through owner agreement or expropriation (referred to as “Plan X”)

The goal of this delegation is to secure Council’s political will to forge a resolution of this matter through the following actions:

- I. That the Municipality act on our petition to implement Plan B:
 - a. By engaging the property owner of the Plan B site property and negotiating a settlement for the non-residential severance and purchase or donation of the site to support a public boat launch.
 - b. Alternatively, to proceed with the expropriation of land to support a public boat launch.
- II. That the Municipality seek advice regarding cost recovery mechanisms such as:
 - a. Applying funds from the Township’s Shoreline Road Allowance Reserve Account.
 - b. Implementing a special Bob Lake property tax levy (Local Improvement Charges or Special Area Rate) available under the Municipal Act and its Regulations.
- III. That the Municipality create a joint task force to plan the restoration of public boat launch access to Bob Lake on the location described in Plan B.

The remainder of this document provides details in support of our proposal and request to Council.

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Launch Site Analysis

The BLA's first delegation presented what we felt was the best location for a new public boat launch. The rejection of that proposal prompted the BLA boat launch committee to conduct an exhaustive search to document and assess all potential alternative launch site locations on the lake. The result of this research has been included as a separate document entitled "[Bob Lake Public Boat Launch Alternative Site Analysis](#)" that we encourage all Council members to read. Our conclusion from this effort is that there are only three viable boat launch site locations on Bob Lake – the Claude Brown road allowance presented in our original delegation (Plan A), a portion of the dam property close to the historical public boat launch (Plan B), and the actual historical boat launch itself (Plan X).

Plan A

Since the rejection of our original delegation the BLA has continued to work with Council and staff in an attempt to address the concerns identified in the municipal planner's reports. This effort has resulted in only marginal improvements, leaving a number of unresolved issues – safety and liability being the most critical. Without radical alterations beyond the BLA's mandate, such as rerouting Claude Brown behind the surrounding properties, Plan A is considered unfeasible at this time.

Plan B

Our "[Bob Lake Public Boat Launch Alternative Site Analysis](#)" document includes significant details about Plan B that we strongly encourage readers to carefully review. There are actually two versions of Plan B outlined. While the launch site is identical, the proposed paths for the access from Bob Lake Road to the launch differ:

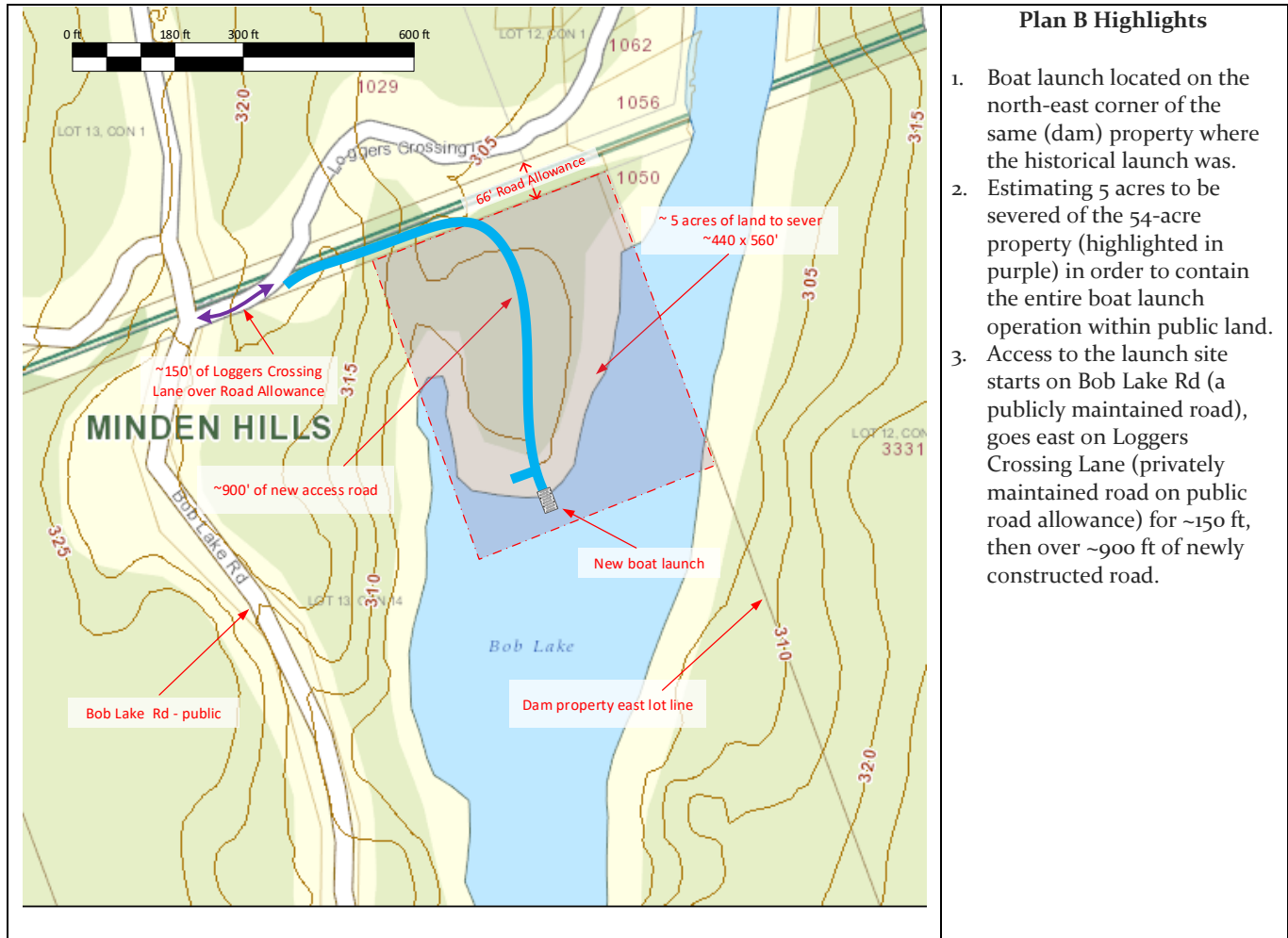
1. Plan B1 maximizes the use of the existing Loggers Crossing Lane (LCL), however requires a public right-of-way over a private property (1029 LCL).
2. Plan B2 uses only the portion of LCL that runs over a public road allowance, increasing the length of new access road required by approximately 300 feet, but free of needing any additional public right-of-way.

Should the municipality be of the opinion that obtaining a right-of-way is an impediment, it could opt for version B2. For simplicity, we will refer to both versions as Plan B throughout the rest of this document.

Plan X

While reclaiming the original public boat launch may be viewed as a cheaper and faster solution, the BLA feels that it brings a significant number of complications, and should be considered with caution. The BLA is open for further discussions with Council on Plan X. However, this delegation emphasizes Plan B as the preferred path forward.

The following is a diagram depicting Plan B (version B2) along with highlights:



On March 23, 2018, with permission from the property owner, members of the BLA met with Ian Clendening and Mark Coleman to survey the area of the proposed Plan B site. The conclusion of this visit confirmed the terrain suitability for the development and safe operation of a public boat launch. This is crucially important as the vast majority of Bob Lake's shoreline is not suitable for a boat launch due to its steep topology.

The BLA approached the property owner to discuss the public boat launch issue and the proposed Plan B solution. The owner was somewhat amenable to the idea over initial phone conversations, while maintaining some valid expression of concerns. However, upon written request to meet in person to discuss details of our analysis, the owner took a strong opposing position – citing specific concerns that suggested a public boat launch in that location was not in the best interest of Bob Lake cottagers. The owner's concerns and the BLA's written response addressing each of these can be found in [Appendix III](#). Subsequent attempts to contact the owner through either email or telephone have been unsuccessful.

The BLA is requesting assistance from the township in connecting with the property owner to further discuss the details and merits of the proposed Plan B public boat launch, and in particular how each of his concerns can be fully addressed. To this effect we have secured a petition (see [Appendix IV](#)) signed by 145 Bob Lake property owners and family members that states:

Petition to the Township of Minden Hills Council

We the undersigned call upon the Township of Minden Hills Council to restore public boat launch service on Bob Lake by taking the following actions:

1. Engage with [REDACTED] (owner of property hosting the Bob Lake Dam) to establish an amicable arrangement for severing a portion of this property as described in the Bob Lake Association's "Plan B" proposal for the purposes of developing a public boat launch and access road.
2. Failing an amicable arrangement for severance, to expropriate this same portion of property for the purposes of developing a public boat launch and access road.

Unfortunately our petition followed Government of Canada guidelines (see [here](#)) which did not include a public document disclosure clause on each page as required by the Township of Minden Hills (see [here](#)). As such our petition cannot be formally presented to Council in its current form. If Council deems it beneficial to our cause, the BLA will secure a subsequent petition during our Annual General Meeting scheduled for May 18, 2019.

Boat Launch Facilities

The BLA understands that current public boat launches are often equipped with facilities such as parking, washrooms, garbage containers, and lighting. While we appreciate the value that such conveniences and modern standards provide, the BLA is requesting an exception for the proposed Bob Lake public boat launch for the following reasons:

- The historical usage patterns of the previous launch warranted none of these facilities. Our requirements are nothing more than "launch and leave", and we strongly believe that this pattern will remain unchanged in the future.
- This adds significant costs for what we believe will bring negative value:
 - Parking/washrooms/garbage facilities will encourage loiterers or campers.
 - Public washroom/garbage facilities not only cost money to build, but also adds operational expenses to maintain.
 - Lighting will require electricity provisioned to the launch site – a significant complication and expense. Furthermore, this is a major source of light pollution that we are strongly opposed to for the sake of the environment and neighbouring property owners.
- We believe proper signage to educate the public is a far better and cheaper solution, which would include:
 - No parking
 - No loitering/camping
 - No dumping
 - Violators will be subject to fines up to "Big Money!!"

From an actual launch design perspective, the BLA is in favour of a modern concrete slab style as recommended in the Minden Hills Planner's report [#18-008](#). This provides a superior launch while minimizing the need for on-going maintenance. Furthermore, we recommend an access road and turnaround design based on the Government of BC drawing outlined in the following link: http://www.sitesandtrailsbc.ca/documents/infrastructure/boat_launch/boat_launch_ramp.pdf

This uses a 20-foot wide by 40-foot long pull-in area running perpendicular to the access road near the launch to facilitate a simple three-point turn for vehicles with trailers. This should lower the environmental impact by minimizing the required gravel surface area compared to a full turnaround.

Cost Estimate

The BLA has worked with town staff to estimate the cost of Plan B at \$148,850, which includes \$23,850 in contingency (see [Appendix IV](#) for details) We believe there are opportunities to significantly lower costs through measures such as tendering the construction through a competitive bid process, or incenting the Plan B property owner to donate the land.

Cost Recovery

The BLA's first delegation included construction cost estimates, but excluded any discussion of cost recovery. We assumed that the only source of funding would be through budgeted municipal tax revenues. This delegation takes a different approach:

- Since there was a wide discrepancy between the Plan A cost estimates the BLA received through contractor quotations and those put together by town staff, we request that the Township tender the full launch construction costs through a competitive bid process, and that this process be made transparent to the BLA
- Open a discussion on possible alternative sources of funding, namely:
 - Funds from Minden Hills' Shoreline Road Allowance Reserve Account (SRARA) as established in December of 2017 under Township policy #113
 - A special tax levy applied to Bob Lake property owners.

Alternative Sources of Funding

The following describes two alternative sources of funding that the BLA would like to discuss with Council.

Shoreline Road Allowance Reserve Account

At its December 4, 2017 meeting, Council adopted a policy ([#113](#)) pertaining to the use of funds received through the sale of Shoreline Road Allowances (SRA). The policy directs that proceeds from the sale of SRA's go into a special reserve account to be used to fund projects that meet the following requirements:

- *Purchasing land which provides the general public with opportunities for the recreational enjoyment of lakes located within the Township together with the recreational opportunities at the nearshore area of such lake; or,*
- *Naturalizing Township owned property located at or near the shoreline of a lake or river.*

The BLA feels that a Bob Lake public boat launch qualifies for SRARA funding based on the following rationale:

- The spirit, if not the letter, of policy #113 is to "provide the general public with opportunities for the recreational enjoyment of lakes located within the Township" and to "not deprive future generations of public access to the waterfront areas". A public boat launch undoubtedly provides the general public with access to Bob Lake for a variety of recreational activities, whereas the lack of a public boat launch clearly deprives it of that access.
- In the case of Plan B, the means of severance or expropriation is a form of purchasing or acquiring land.
- In the case of Plan B, there is an opportunity to naturalize the old boat launch next to the dam – replacing the gravel ramp surface with natural shoreline vegetation (subject to the owner's approval). This creates a net neutral environmental impact on the shoreline - offsetting the construction of the new launch with the re-naturalization of the old. It also further delivers on the mandate of policy #113

The SRARA account balance is estimated to be over \$90,000 as of March 2019. The BLA has obtained this estimate using a Freedom of Information request and tracking SRA closures in published Council meeting minutes.

Special Tax Levy

The BLA has researched options available for funding municipal projects through special tax levies – a mechanism whereby the municipality finances a municipal project on behalf of an identified subset of property owners, and then recovers those costs through incremental property taxes to that identified group over a set number of years. This research has surfaced two such provisions available under the Municipal Act and Regulations - [Local Improvement Charges](#) (LIC) and [Special Area Rates](#) (SAR).

Our own review of the text and legal description for both the LIC and SAR tax provisions would indicate that either method could be applied in our case to recover all or a portion of the capital costs involved. In particular, the [LIC regulation](#) provides examples of valid “work” to which it applies, which includes the following most relevant to our situation:

- (f) - sodding any part of a highway and planting trees, shrubs and other plants on a highway;
- (h) - constructing a park, square or other public place;
- (i) - constructing a retaining wall, dyke, breakwater, groyne, crib or other shore protection work along a body of water;

The “special area” receiving benefit and paying the additional tax levy would be Bob Lake property owners – 232 in total. However, the BLA requests that the Township seek additional information from staff and lawyer(s) to confirm our condition meets all legal requirements for such tax provisions.

The following is a simple calculation showing \$75,000 in contributions raised by Bob Lake property owners and recovered through an average tax increase of less than \$40/year for owners over a 10-year period – a temporary property tax increase under 2%.

Number of lakefront properties surrounding Bob Lake:	232
Capital funds raised through the LIC/SAR tax:	\$75,000
Number of years to amortize the LIC/SAR tax:	10
Interest rates (Infrastructure Ontario presentation):	3.00%
Annual increase per property owner for LIC/SAR tax:	\$37.90

The BLA feels this represents a significant source for cost recovery through a very modest financial impact to Bob Lake property owners, who will benefit most.

Funding Model

The BLA understands that there are competing priorities for the use of tax revenue, in this case to restore public access to Bob Lake. While we feel that the cost of a public boat launch on a public lake fits the very purpose of municipal tax dollars, we feel strongly that funding challenges can be resolved through a cost sharing formula using the cost recovery sources discussed above.

Appendix I – Plan A Reference Materials

The following table outlines all key reference materials from the BLA's first Bob Lake Public Boat Launch delegation to the Township of Minden Hills

Reference (with Civic Web or BLA Web Site Link)	Date
<u>Cover Letter</u>	November 15, 2017
<u>Council Presentation</u>	November 30, 2017
<u>Proposal Document</u>	November 30, 2017
<u>Staff Report #18-008</u>	January 25, 2018
<u>BLA Response to Staff Report #18-008</u>	January 30, 2018
<u>Staff Report #18-017</u>	February 22, 2018
<u>Council Resolution #18-120</u>	February 23, 2018

Appendix II – Plan B Property Owner Concerns Addressed

The following correspondence outlines the BLAs response to the property owner's concerns for opposing our Plan B boat launch location:

How to Address The Property Owner's concerns about Plan B

Property owner believes 451 Coaster Lane is better suited for a public boat launch as the land is for sale, and it puts the launch closer to the heart of the lake.

This is not a viable solution for the following reasons:

- The land acquisition alone is \$500K, a financially unrealistic amount for the municipality considering an additional \$100-200K to complete a road and a launch.
- There is no possibility of severing only a portion to reduce the cost.
- The 1km of Tennyson Rd. requires a Right of way likely challenged by the 24 owners there.
- Hills and blind-curves over the 1km portion of Tennyson present major traffic safety and liability concerns.

Property owner believes the boat traffic through the south narrows is disruptive, dangerous and a source of significant boat traffic.

Fact: Most traffic is not related to the boat launch but due to boaters simply cruising or fishing that lake section.

Fact: Traffic will remain unchanged as it has for decades. The conditions for cottagers there will remain as they were.

Opportunity: Boater education and clear signage will further mitigate the impact of existing traffic. The BLA is considering this independently from the launch placement.

Property owner has experienced people trespassing on his property at the old launch site (camping, partying, littering).

This is a residual effect of seemingly being "public property" and can be eliminated.

Clear signage at the new site (no parking, no camping and no littering stating commensurate fines) will change behaviours. The configuration of the new site would likely not be conducive to this type of activity.

"Private Property / No Trespassing" signs can clearly delineate the boundaries of the private property at the site. Signs could also be posted along the shore to the south advising ***"Private property beyond this point"***

Re-naturalization of the old site will increase the owner's privacy from road traffic and his enjoyment of a restored natural environment.

Parks Canada, other officials as well as the property owner could use the public launch, and increase the immediate privacy of the property owner.

The dam flooded a section of the owner's property a hundred years ago. The owner believes there is exposure to liability should someone have an accident on the water at or near the proposed launch given he owns the land under the water.

This exposure can be eliminated by including for proposed severance the land beneath the water surrounding the launch and the section of the narrows leading to the launch.

Although the owner has not raised compensation, the owner would be fairly compensated by the municipality for the sale of this parcel of land to the municipality.

The fair price commanded by the owner to cede this piece of the property for use by the municipality will be higher than what could be commanded in any other circumstance.

Alternatively the owner could donate the property and receive a tax receipt for the price of the land, the advantage of which can only be decided by the owner.

Although the donation option would reduce the municipality's cost, this would be left to the owner to decide.

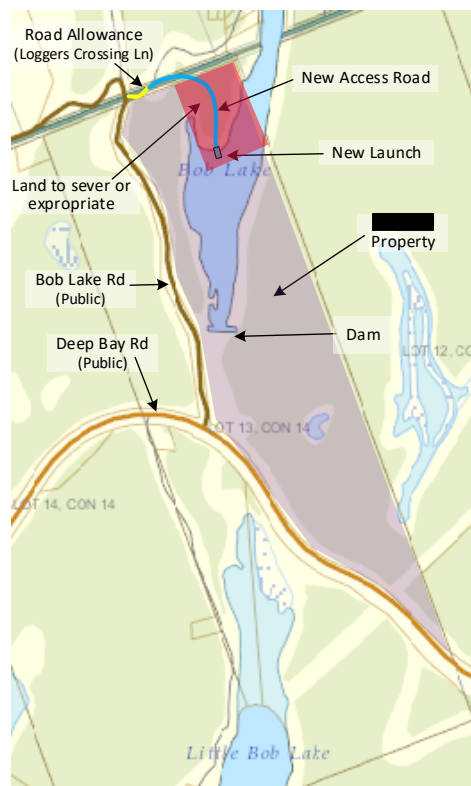
Appendix III – Plan B Petition

The following is a copy of the petition requesting assistance from the Minden Hills Council in engaging the Plan B property owner. This petition has been signed by 145 Bob Lake property owners and family members.

Bob Lake Association's Public Boat Launch "Plan B" Summary

The BLA's "Plan B" proposal to the Township of Minden Hills for restoring public boat launch access to Bob Lake is depicted in the diagram shown below. The following is a simple summary:

- The solution involves the severance or expropriation of approximately 5 acres off the north-east corner of the property hosting the Bob Lake dam, representing approximately 10% of this lot.
- The name of the current property owner is [REDACTED] (purchased in 2016).
- Access to the launch site would start on the public road allowance portion of Loggers Crossing Lane - located approximately 500 meters north of the dam off Bob Lake Road.
- New road development of approximately 275 meters would be required to reach the launch.



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Appendix IV – Plan B Cost Estimate Details

The following is a cost estimate breakdown based on input from Minden Hills staff. These costs however are subject to further examination such as onsite surveys and input from legal counsel – activities that require approval from Council to proceed with (post delegation).

Description	Cost Estimate	Contingency %	Contingency Amount	Total	Comment
<u>Road/Turnaround Construction</u>					
Material	\$24,000	10%	\$2,400	\$26,400	1000' long x 16' wide @ \$1.50/sqft
Labour/equipment	\$25,000	20%	\$5,000	\$30,000	Estimate - includes tree removal
Possible culvert	\$2,000	10%	\$200	\$2,200	Estimate
Sub-total	\$51,000		\$7,600	\$58,600	
<u>Ramp Construction</u>					
Concrete pads	\$15,000	5%	\$750	\$15,750	Estimated @ 12% slope for 40'
Labour/equipment	\$4,000	25%	\$1,000	\$5,000	Estimate
Sub-total	\$19,000		\$1,750	\$20,750	
<u>Property, Planning, & Legal</u>					
Property acquisition	\$30,000	30%	\$9,000	\$39,000	~10% of lot * purchase price - could be donated
Survey	\$10,000	10%	\$1,000	\$11,000	Estimate
Rezoning	\$0	0%	\$0	\$0	Waved
Municipal staff effort	\$0	0%	\$0	\$0	Waved (planner, CAO, road, etc.)
Legal	\$15,000	30%	\$4,500	\$19,500	Estimate
Sub-total	\$55,000		\$14,500	\$69,500	
Grand-total	\$125,000		\$23,850	\$148,850	