



Report to Council with Recommendations

Agenda Date: 19 April 2022

Subject: Paid and Enforced Parking at WahWashKesh Landings

Background

The WahWashKesh Landings Task Force (WWKLTF) was formed on July 16th, 2018 by Council Resolution 2018-256, with a mandate “to investigate potential improvements to public parking and docking facilities on Wah Wash Kesh Lake”. Its Terms of Reference and Draft Work Plan were approved by Council on November 19th, 2018.

Council appointed the following five members to the Task Force:

- Councillor George Comrie (Chair)
- Councillor Beth Gorham-Matthews
- Jeanine Ferris
- Dr. Mike Maceina
- Ed Bennett Jr.

Following the death of Mike Maceina on June 10th, 2020, Steve Rauh was nominated by the WahWashKesh Conservation Association (WWKCA) to take his place on the Task Force.

Progress to Date

Commencing in February of 2019, the Task Force held several meetings via teleconference, as well as site visits, to determine requirements for parking and docking at the landings. Based on these, a request was submitted to the Ministry of Natural Resources and Forestry to expand an existing crown land use permit (LUP) for a parking lot at the intersection of WahWashKesh Road and Indian Narrows Road. LUP PS2019-0636-LUP001 was issued to the Municipality on December 12th, 2019, expanding that parking area to approximately 0.52 hectares.

A sum of \$45,000. was included in the Municipality's 2020 capital budget to cover costs associated with clearing, grading, and surfacing (gravel) the additional space, along with improvements to the landing areas at Bennett's Bay and Indian Narrows themselves. Under the supervision of our Municipal Public Works Manager, this work was performed in the fall of 2020 and spring of 2021 by contractors, with the assistance of Municipal Works staff. A small amount of work remains to be completed this spring once the snow and ice are gone.

With the physical renovations to the landings essentially complete, the Task Force turned its attention to the subject of parking enforcement. For several years now, the WWKCA has sold annual seasonal parking permits for the parking areas at the landings. Purchasers of these permits are supposed to display them on their vehicles or trailers parking permits; however, there is no provision for enforcement, and compliance is extremely low. (Our audits on long weekends have found that fewer than 10% of vehicles parked at the landings display permits.)



At its Annual General Meeting on September 14th, 2021, WWKCA members passed a resolution calling on the Municipality to implement enforcement of parking at the WahWashKesh landings. This resolution was subsequently communicated in writing to Council in a letter dated February 7th, 2022 and included in Correspondence at the January 15th, 2022 Council meeting. (Attached to this report as Appendix A)

The Task Force has met twice this spring (March 17th and April 7th) to consider the feasibility of paid, enforced parking at the landings, including logistics and financial considerations.

With respect to permitting, we have established that an on-line permitting service is available from the vendor of the Municipality's existing fire (outdoor burning) permitting system. The Task Force is in agreement that such a system would be preferable to the Association's current system of (manual) permits because:

- (i) Permits would be available on demand 24 hours per day / 7 days per week, with fees commensurate with the length of use (similar to on-line parking facilities in most major cities). The only physical infrastructure required to support such a service would be signage (signs already in place at the landings and parking areas would require minor modification) and cellular phone / internet service (readily available at the landings from the Taylor's Bay Cell site.) Permits could be ordered and paid for using any internet-connected device, such as a smart phone, tablet, or computer.
- (ii) Enforcement would be based similarly on a portable smart device containing an administrative application searchable by licence plate number, as opposed to observation of physical permit stickers.
- (iii) Permit fees would be commensurate the duration of use, which would better accommodate occasional users such as day-trippers, weekend or weekly guests. etc.
- (iv) Such a system would encourage compliance, and therefore increase revenues available for maintenance of infrastructure at the landings.

Representatives of the WWKCA Executive have advised that their Association would not wish to continue in the parking business once an automated system of paid parking permits is up and running. In the interim, however, the WWKCA has commenced selling their usual permits for the 2022 season, and have indicated their desire to help with the transition to the new system.

The assumption is that the Municipality of Whitestone would assume responsibility for managing the automated permitting system, and would receive the revenues from the parking fees and from any fines collected through enforcement for violations of the parking regulations.

Although the WWKCA through its existing [voluntary] permits receives only a portion (approximately \$5,000. per year) of the potential revenue (approximately \$15,000. per year) from parking at the landings, members of the Association Executive expressed concerns about the loss of this revenue, which they use to fund other obligations they currently discharge under their agreement with the Municipality. These include:

- Inspection and maintenance of the public docks at Bennett's Bay and Indian Narrows - which includes detaching and removing them before freeze-up to prevent damage by ice, then reattaching them again after the spring freshet;
- Inspection and maintenance of the safety boom at the WahWashKesh Dam - which is similarly opened each winter to avoid damage by ice, and reconnected each spring;
- Maintenance and operation of the WahWashKesh HoboLink™ water level monitoring station;



- Annual water quality testing.

The Municipality may therefore need to assume some financial responsibility for the above elements of the agreement when it is revised.

The Task Force recognizes that the Municipality's current By-Law 38-2016 "*to regulate traffic and to govern and control the parking of vehicles within the Municipality of Whitestone*" does not provide for permitted parking or enforcement of permitted parking. The by-law would therefore need to be amended to allow for enforcement of paid parking and associated offences. In addition, it would be necessary to recruit and equip additional [part-time] by-law enforcement officers to handle the additional enforcement workload.

Finally, with the understanding that the proposed arrangements for the WahWashKesh landings might constitute a model for similar arrangements at other public landings in the Municipality, the Task Force reviewed a draft position paper prepared by the Chair that attempts to define the underlying policy elements. (Attached to this report as Appendix B)

Recommendations

- 1) That Whitestone Council receive and consider the report of the WahWashKesh Landings Task Force and its recommendations.
- 2) That Whitestone Council approve in principle the introduction of paid and enforced permit parking at the WahWashKesh landings, to be implemented as soon as practical.
- 3) That amendments to By-Law 38-2016 to facilitate paid permit parking and enforcement thereof be prepared and brought forward for Council approval at a future meeting.
- 4) That the WahWashKesh Landings Task Force develop an implementation plan for paid and enforced permit parking at the WahWashKesh landings in cooperation with the WahWashKesh Conservation Association and Municipal staff.
- 5) That the WahWashKesh Landings Task Force negotiate a revised agreement with the WahWashKesh Conservation Association with respect to the WahWashKesh landings, following the WWKCA 2022 AGM, for ratification by Whitestone Council.

Financial Implications

The proposed system of paid, enforced permit parking should be revenue neutral, as parking fees collected would be expected to offset the operating associated with its operation and enforcement, as well as contributing to costs of maintaining the landings' physical assets.

George Comrie, Chair
WahWashKesh Landings Task Force

QUICK FACTS

- The WahWashKesh public landings at Bennett's Bay and Indian Narrows are major launch points for campers and out-trippers accessing the lower Magnetawan river and lakes.
- Approximately 100 properties, including several camps / resorts, rely on these landings for access to their seasonal properties on WahWashKesh Lake. These properties pre-date the Municipality, and will likely never have road access.
- In the summer season, and especially on long weekends, parking at the landings has been insufficient relative to demand for many years.
- Parking of vehicles and trailers occurs adjacent to each landing and along one side of Indian Narrow Road.
- In 2012, the WahWashKesh Conservation Association (WWKCA) raised approx. \$29,000. through sale of parking and docking permits to fund creation of a parking area at the intersection of WahWashKesh Road and Indian Narrows Road, for which they received a crown land use permit.
- Sale of these permits has continued to the present day, but there is no enforcement, and compliance remains low.
- In December, 2020 the Municipality was issued a revised crown land use permit covering an expanded parking area, and in 2021 Municipal Works staff and contractors commenced work on enlarging and improving the parking area.
- The WWKCA has asked the Municipality to enable enforcement of permitted parking at the WahWashKesh landings.
- An on-line permitting system for parking is available as a service from the supplier of Whitestone's fire permitting system. The cost of this service is 10% of parking fees collected (i.e., no up-front capital cost).
- Seasonal (May 1st – October 31st), weekly (8 day), weekend (72 hours), and day (24 hour) permits would be available on-line 24/7/365 at appropriate price points using any internet-connected device.
- The Municipality's WahWashKesh Landings Task Force (WWKLTF) is recommending that this system be implemented and that paid parking be enforced at the WahWashKesh landings.
- The Municipality's parking by-law would need to be updated to enable enforcement of paid parking.
- Additional [part-time] by-law enforcement personnel would need to be recruited to handle the additional seasonal enforcement workload.
- The physical assets at the WahWashKesh landings would need to be included in the Municipality's asset management plan.

Appendix A – Letter from WahWashKesh Conservation Association

Lake Wah-Wash-Kesh

C O N S E R V A T I O N A S S O C I A T I O N



February 7, 2022

Municipality of Whitestone
21 Church St.
Dunchurch, ON
P0A 1G0

Mayor Comrie and Members of Council

Re: Request for Renewal and consideration of terms and general provisions of By- Law No. 09-2019
A By-law of a maintenance agreement between the Municipality of Whitestone and Lake Wah-Wash-Kesh Conservation Association (WWKCA) to maintain the Bennett's Landing and Indian Narrows public access points.
(Copy of By- law attached)

Historical Background

The Crown owns the 2 Public Access points on Lake Wah-Wash-Kesh.
The Municipality of Whitestone obtained land use permits from the Ministry of Natural Resources and Forestry (termination date of July 2021) through an agreement. Subsequently, the Municipality of Whitestone and the WWKCA have an agreement setting out the terms for the use of the same lands by the WWKCA. The current agreement between the Municipality of Whitestone and the WWKCA commenced from May 2019 for one year and automatically renewed annually, up to and including 2021 subject to the clause that the agreement can be terminated by either party prior to the expiry date upon 90 days written notice.

Key aspects of the agreement:

- The Municipality of Whitestone pays the liability insurance
- WWKCA pays for docks and boom to be attached and removed each year
- WWKCA paid for a new dock at the Indian Narrows in 2018

Current Situation:

1 The agreement with the Crown has expired

2 The agreement with WWKCA has also expired

3 The agreement permits the operation of a parking area at Bennett's Bay and Indian Narrows on Lake Wah-Wash-Kesh. As per the agreement, WWKCA currently sells annual permits for vehicle parking, trailer parking and lake access. However a small percentage of those utilizing the parking area actually purchase parking permits. This is largely because the Lake Was-Wash-Kesh Conservation Association has no authority to enforce parking.



The Lake WWK Conservation Association is respectfully requesting that:

1. The agreement with the Crown be renewed
2. The Municipality of Whitestone and WWKCA enter into discussions regarding implementation of changes to the Terms and General Provisions of the Agreement By-law, timing and any financial implications.
3. That Municipality of Whitestone amend their Parking By-law to permit the enforcement of parking for both public access points on Lake WWK.

Thank you,

With regards

Lynn Brennan
President,
Lake Wah-Wash-Kesh Conservation Association



Appendix B – The Future of Public Landings in the Municipality of Whitestone

The Future of Public Lake Access Points in the Municipality of Whitestone

BACKGROUND

Public lake access points on the lakes that are now within the bounds of the Municipality of Whitestone have existed for more than 100 years. Our lakes have long been destinations for wilderness camping / out-tripping, and several popular canoe routes have been established over the years. Until relatively recently, most of the lakes have been relatively sparsely populated in terms of permanent or seasonal residences, and road access to them has been limited and poor. As a result, lake access has been generally informal and unregulated. As an example, some individuals would leave small cartop boats unsecured at landing points and portage / trail ends on a year-round basis so that they would be readily available when required for fishing / hunting / camping trips.

The Municipality has some twenty public and private landings, as detailed in Appendix A. Many of these are located on crown land, and in some cases the Municipality holds a crown land use permit for them, issued by the Ministry of Natural Resources and Forestry. A few of them (noted in the Schedule) are also the subject of agreements between the Municipality and the relevant lake association whereby the lake association agrees to accept certain responsibilities with respect to the landing.

On some lakes such as Bolger / Kashegaba, Lorimer, and WahWashKesh, there are significant numbers of private seasonal residences that have (and will, for the foreseeable future, have) no road access, and therefore rely entirely on the public landings to access their properties. Many of these properties long predate the existence of the Municipality.

With the northward push of lakefront cottage development into the Municipality in the past twenty years, pressure to enhance and formalize lake access points has increased. Since its inception, the Municipality has attempted to respond in an ad hoc manner to requests from ratepayer groups for improvements to landings and access points, especially in terms of roads, parking, and docking.

In recent years, Whitestone Council has made significant capital investments in the improvement of some landings, most notably the following:

- Main Whitestone Lake boat launch and docks at the Dunchurch municipal site
- WahWashKesh landings at Bennett's Bay and Indian Narrows

I believe it is time for Whitestone Council to take a proactive look at the future of our lake access points and develop a strategy and plan for their future development, based on sound principles of planning and asset management.

So what are those principles?

PRINCIPLES

- 1) **Whitestone Lakes should be accessible to the general public, not just Whitestone ratepayers who have water-access-only properties.** Reasons for this policy include:
 - (i) **Historical Precedent:** Our public landings have existed as such for many years, and many vacationers are accustomed to taking advantage of them;



- (ii) Tourism: It is in the economic interest of the Municipality to encourage tourism - especially ecotourism - that takes advantage of our area's natural assets.

This principle does not imply that there cannot be a cost associated with lake access, so long as that cost is reasonable and equitable.

2) Facilities to be provided at a public lake access point - such as a boat launch, vehicle and trailer parking, and docking - should be determined by a needs study.

The study should determine, among other things:

- (i) The number of Whitestone seasonal residents who rely on the access point for access to their water-access properties;
- (ii) The extent and nature of use of the access point by other Whitestone residents who do not own property on the lake in question;
- (iii) The extent and nature of use of the access point by members of the public who are not Whitestone ratepayers;
- (iv) The extent of the need for accessible parking spaces.

In particular, parking areas should provide for both short- and long-term parking of vehicles and boat trailers (and snowmobile trailers, where applicable).

- 3) The Municipality should own or (in the case of crown land, lease) the land on which the access point is located.** This condition may be necessary in order for the Municipality to be able to enforce its by-laws at the access point.
- 4) The Municipality will not, as a general rule, provide marina services such as reserved docking slips, fuel, boat storage, etc. at its lake access points.** Provision of such services will be left to commercial enterprises.
- 5) Where parking is provided at a public access point, the Municipality will designate accessible parking spaces based on the needs study.**
- 6) The Municipality will include its lake access points in its asset management plans.**
- 7) The Municipality will assume the costs of maintaining its public lake access points as an operating expense.** Lake Associations may contribute to such costs directly or in kind, but will not be expected to assume them in their entirety.
- 8) The Municipality will, where practical, enter into agreements with lake associations to assist in monitoring and maintaining facilities at its public lake access points.** The intent of such agreements is to reduce the demands on Municipal staff associated with the landings, and to take advantage of the knowledge and skill of volunteer lake association members who are using them.
- 9) The Municipality may consider implementing a system of user fees and associated enforcement for use of its public lake access points.** The intent of such a system would be to ensure that a reasonable portion of the costs of maintenance and enforcement at the landings is borne by their users.