THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. CAO-2017-0004

FOR THE CONSIDERATION OF COUNCIL JULY 19, 2017

SUBJECT: LAKE DRIVE SHORELINE JURISDICTION AD HOC COMMITTEE RECOMMENDATIONS AND PROPOSED ACTION PLAN

1. <u>RECOMMENDATION:</u>

1. That Council receive for information Report No. CAO-2017-0004 prepared by the CAO's Department dated July 19, 2017 regarding the Lake Drive Shoreline Jurisdiction Ad-Hoc Committee ("LDSJAHC") Recommendations and Proposed Action Plan.

2. PURPOSE:

To inform Council and the public on the progress of the requested workflow that would establish the series of steps and reports required for Council to consider proposed Policy A: Lake Drive Action Plan, and Policy B: Permitted Uses, as recommended by the Lake Drive Shoreline Jurisdiction Ad Hoc Committee.

3. BACKGROUND:

On May 2nd, 2017 Council passed the following resolution:

Moved by Councillor Neeson, Seconded by Councillor Sebo

Resolution No. SC-2017-0243

That the memorandum from Sarah Brislin, Committee Services Coordinator for the Lake Drive Shoreline Jurisdiction Ad-Hoc Committee, outlining recommended policies respecting acquisition of land, licensing of road ends and beach associations and permitted uses of qualifying lands between Lake Drive and the lake, be received and that staff be directed to report back to Council with a workflow that would establish what reports would be expected and when, and to begin the process of various reports required for the consideration of policies respecting a Lake Drive Action Plan and permitted uses of qualifying lands.

Carried

4. ANALYSIS:

Attached please find the workflows as drafted to date (Attachment 1 – Matters to Be Decided by Council, Attachment 2 – Process to Deal with Landowners

Staff will continue to refine the workflows and to work towards submission of the first in the series of reports required for Council consideration.

5. <u>RELATIONSHIP TO STRATEGIC PLAN:</u>

This report addresses the following strategic goal(s):

GOAL 4: "Provide Exceptional Municipal Service" – ORGANIZATIONAL & OPERATIONAL EXCELLENCE.

Action 4.15: Continue the collaborative efforts for resolution of Lake Drive shoreline jurisdiction issues.

6. FINANCIAL AND BUDGETARY IMPACT:

None.

7. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:

There are no public consultation or notice requirements associated with this report.

8. CONCLUSION:

This report is submitted to inform Council and the public of the progress to date on the creation of the workflows required to process the recommendations of the Lake Drive Shoreline Jurisdiction Ad Hoc Committee.

Prepared and approved by:

Winanne Grant, B.A., AMCT, CEMC Chief Administrative Officer

Attachment 1 – Matters to Be Decided by Council Preliminary Workflow Attachment 2 – Process to Deal with Landowners Preliminary Workflow

MATTERS TO BE DECIDED BY COUNCIL*

POLICY STEP

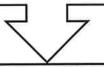
1. Whether Council wishes to pursue the potential divestiture of the lakeside lands**

If NO, end of analysis related to divestiture. Town Council should then consider:

- whether to establish a Town policy to make it clear what use(s) the Town will permit on its lakeside lands; how the Town will address title disputes related to the lakeside lands and how to address issues related to potential Town liability
- whether to offer encroachment agreements to land owners along Lake Drive

If YES, Town Council should then consider:

- whether the sale or lease of the land is a responsible step for the Town to take when considering the interests of the Town as a whole
- whether the Town may require the lakeside land given potential changes to the lake with climate change (eg. note the increased lake level this year)



OPERATIONAL STEP

Receive report on the Legislative/Legal matters to be addressed to proceed with sale or lease of the lakeside lands

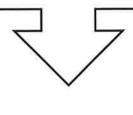


OPERATIONAL STEP

3. Establish Public Consultation process to receive public input related to potential sale or lease of the lakeside lands

POLICY STEP

- 4. Determine whether the divestiture will be based upon concept of profit for the Town, cost recovery only, or expense to the Town. Examine costs incurred to date as part of the assessment. Determine:
 - whether to offer the lands for sale or for lease, or both
 - whether the yet to be created lots will be sold only to Eligible Property Owners (EPOs)**
 - other matters that may arise



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MATTERS TO BE DECIDED BY COUNCIL*

POLICY STEP

5. Town must determine the extent of the lands along Lake Drive to potentially be divested.

OPERATIONAL STEP

6. Town to send out Notices to all EPOs (or others as determined by Council) to determine which EPOs are interested in obtaining legal interest in lakeside lots. Possibly collect money from EPOs (or others as determined by Council) for purpose of creating R-Plan

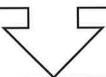


If insufficient response from EPOs, Town to decide whether to end process; if decision is to conclude process, Town takes no further steps, except as identified in response to NO in Policy Step 1

If sufficient numbers of EPOs (or others as determined by Council) declare an interest in obtaining a legal interest in a lakeside lot, Town to prepare an RFP to retain gualified Surveyor(s) to create lakeside lots**

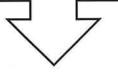
POLICY STEP

- 7. Town to award contract to Surveyor(s) to create the lakeside lots and have R-Plan registered
 - Town should identify any lots that already legally exist on the lakeside while creating new lots via R-Plan
 - Town should address any disputes concerning title to lakeside lands that may arise as a result of title searches conducted during R-Plan creation



POLICY STEP

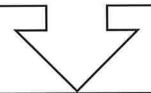
- 8. Town may decide to receive public input regarding Zoning By-law restrictions that may apply to all lakeside lots. Thereafter, the Town to prepare and give Notice of Zoning By-law which will apply to all lakeside lots (whether Town-owned or currently existing and owned by a different entity) in accordance with the *Planning Act*
 - Town to receive comments on the Zoning By-law at a Public meeting



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POLICY STEP

- 9. Town to determine the value of the lots based upon location, proposed zoning and market for the lots if they are to be sold or leased only to EPOs (or others as determined by Council)
 - Town to decide whether it will proceed with sale of land based upon Town's sale of surplus land by-law or whether it will be sold based upon a different formula
 - Town to determine whether it will value the lands itself or whether it will require the assistance of a property appraiser



If no property appraiser is required, Town to determine value of lands

If property appraiser required, Town to prepare RFP to retain qualified property appraiser to determine value of lands

POLICY STEP

- 10. Town to pass Zoning By-law to restrict the use of the lakeside lands / lakeside lots to uses deemed appropriate by the Town
 - Town to respond to any appeals brought against the Zoning By-law

POLICY STEP

11. Town to establish a policy as to what access, if any, and use, if any, the Town will permit upon lakeside lands that remain with the Town (i.e. lands that have not been sold or leased)

POLICY STEP

12. Town to establish a policy as to how it will deal with situations in which Cottage Associations with numerous members wish to make use of one lot and situations in which two persons wish to make use of one lot (i.e. can more than one person and can an association be an EPO for the purpose of obtaining an interest in one lot?)

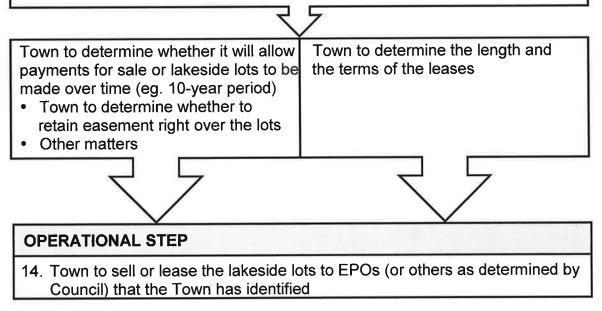


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MATTERS TO BE DECIDED BY COUNCIL*

POLICY STEP

13. Town to establish terms by which it is prepared to sell or lease the lakeside lots to EPOs



**Definitions for the Purpose of the above Flow Chart

"Lakeside lands" means the lands from the shoreline to the travelled portion of the road allowance.

"Eligible Property Owner" means primarily the owners of property across the travelled portion of Lake Drive road allowance from the lakeside lot.

"Lakeside lots" means lots created upon the Lakeside lands.

*This Flow Chart is to be read as an overview of basic steps that should be undertaken. It is not an exhaustive list of each step that could or should necessarily be taken. Removing certain steps or adding additional steps may be necessary depending upon decisions made by Council and steps taken by third parties.

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PROCESS TO DEAL WITH LANDOWNERS IF TOWN DECIDES TO DIVEST ITSELF OF LAKESIDE LANDS

- Letter to be sent to all Eligible Property Owners to ask that they declare if they wish to buy or lease Town-owned lakeside land and, if YES, ask that they provide money to pay for the creation of an R-Plan
- 2. Town to retain a Surveyor to prepare an R-Plan to create lots [Question as to whether the Town will create lots only for Eligible Property Owners who declare an interest or for all lands along Lake Drive]
- 3. Town to pass by-law declaring the created lots as surplus lands
- Town to offer the surplus lands to Eligible Property Owners for sale or for lease*
- 5. Town to sell or lease lots to Eligible Property Owners based upon terms as set out by Town Council

*See separate flow chart of matters to be addressed by Town Council

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