

**THE CORPORATION OF THE TOWN OF GEORGINA**

**REPORT NO. DS-2023-0071**

**FOR THE CONSIDERATION OF  
COUNCIL**

**August 2, 2023**

**SUBJECT: Lake Drive Shoreline Jurisdiction Action Plan – Project Update**

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**1. RECOMMENDATIONS:**

1. That Council receive Report No. DS-2023-0071 prepared by the Planning Policy Division, Development Services Department, dated August 2, 2023, respecting the Lake Drive Shoreline Jurisdiction Action Plan;
2. That Staff be directed to commence Operational Step #6 of the Action Plan - Town to send out notices to all Eligible Property Owners (EPOs) to determine which EPOs are interested in obtaining legal interest in lakeside lands;
3. That staff report back in November 2023 regarding the EPO participation after gauging results collected through the consultation process; and,
4. That Staff initiate Operational Step #7 of the Action Plan – procure surveying services, and report back in November 2023 with the results for Council's consideration.

**2. PURPOSE:**

The purpose of this report is to provide a project update related to the Lake Drive Shoreline Jurisdiction Action Plan (Action Plan), and to obtain authorization for Staff to proceed with Action Plan Operational Policy Step #6 (Town to send out notices to all EPOs (Eligible Property Owners, or others as determined by Council) to determine which EPOs are interested in obtaining a legal interest in lakeside lots), and to initiate the procurement process for Operational Step #7 (procure surveying services to plan for the future disposition of the lakeside lots and prepare Reference Plans), so that staff may report back in November 2023 with the results for Council's consideration.

**3. BACKGROUND:**

On September 23, 2015, the Lake Drive Shoreline Jurisdiction Ad Hoc Committee was established to gather public input and address the issues surrounding Lake Drive. The Committee met for approximately two years between September 23, 2015 and July 19, 2017, and presented its recommendations to Council (the "Action Plan"). Council resolved to move forward on the Lake Drive Shoreline Jurisdiction Action Plan, which led to a Town position on the divestiture of surplus road allowance lands. However,

due to legal issues and resource allocation challenges caused by the pandemic, the project was delayed for nearly three years.

The Council-approved Action Plan consisted of a 14 step process aimed at resolving land ownership issues relating to the lands on the lake side of Lake Drive North and Lake Drive East. Its primary objectives were twofold: first, to determine the boundaries of the Town's road allowance and identify the portions that should be retained and those that could be considered surplus and divested; and second, to establish appropriate land use permissions and development standards for all lakeside lots, including privately owned properties and the road allowance lands to be divested. Ultimately, this project is intended to clear up title along the shoreline of Lake Drive North and Lake Drive East.

### **March 30, 2022 Council Meeting**

On March 30, 2022, Council adopted the following resolutions:

#### **RESOLUTION NO. [C-2022-0108](#)**

1. That Council delegate authority to the CAO to retain and/or allocate appropriate dedicated personnel and resources to advance the Lake Drive Jurisdiction Action Plan, excluding beach associations, as per the direction provided in the March 30, 2022 closed session of Council.
2. That staff report back to Council with two reports, the first report outlining the price including land costs and actual cost recovery the Town would consider for the divestiture of road allowance lands within the Lake Drive Jurisdiction Action Plan by June 22, 2022, and the second report outlining a schedule to implement the operational and policy steps in the Lake Drive Jurisdiction Action Plan no later than August 10, 2022.

#### **RESOLUTION NO. [C-2022-0109](#)**

3. That Beach Associations will be addressed through the second report outlining a schedule to implement the operational and policy steps in the Lake Drive Jurisdiction Action Plan no later than August 10, 2022.

### **June 22, 2022 Council Meeting**

On June 22, 2022, Council considered Report No. [SI-2022-0006](#), which provided financial information to Town Council for its consideration relating to the price, including land costs and actual cost recovery, of the road allowance lands to be divested.

The three primary financial components for implementing the Action Plan were identified as follows:

- Category 1: Project Costs
- Category 2: Lakeside Lot Creation Costs
- Category 3: Land Costs

The Budget for Category 1: Project Costs approved through the passing of Resolution No. C-2022-0108 at the March 30, 2022 Council meeting was as follows:

- Program Manager (\$480,000 over 3 years)
- Planner/GIS Technologist (\$308,000 over 3 years)
- Communications Support (\$75,000)
- Planning Consultant if required (\$100,000)
- External Legal Counsel (\$300,000)
- Total Budget: \$1,263,000

Through the following resolution, Council adopted defining elements outlining how future budgetary Category 2 and 3 associated costs and risks would proceed. Staff were to report back to Council with further recommendations concerning Category 2 and 3 costs as the Action Plan progresses.

**RESOLUTION NO. [C-2022-0238](#)**

4. That Council set the per lakeside lot survey costs following a formal competitive procurement process for surveying services.
5. That the actual land transfer/closing costs be charged to the transferee(s).
6. That a separate costing process be developed, if required, in instances where multiple parties claim title to a proposed lakeside lot or are disputing a proposed dividing boundary.
7. That a subsequent costing report be brought to Council in advance of any lakeside lot transfers to finalize the costs associated with the transfer.

**RESOLUTION NO. [C-2022-0239](#)**

2. That the land value rate per square foot (excluding applicable taxes) be set at \$2.00 per square foot to be used to divest the Town-owned, surplus land.

**RESOLUTION NO. [C-2022-0240](#)**

3. That the appropriate dollar amount (excluding applicable taxes) to be charged per lakeside lot to recover project costs be capped at 100% participation, excluding beach associations.

**August 10, 2022 Council Meeting**

On August 10, 2022, Council approved a [Project Schedule for implementation of policy and operational steps](#) described within the Action Plan for indirect waterfront properties. Council also approved an update to the Action Plan which revised the definition of “lakeside lands” to clarify that the Town can only deal with “lakeside lands” owned by the Town. This resulted in two resolutions as follows:

**RESOLUTION NO. [C-2022-0293](#)**

2. That Council endorse the Project Schedule for implementation of the Lake Drive Shoreline Jurisdiction Action Plan for residential indirect waterfront properties, in accordance with Report No. [DS-2022-0069](#);
3. That Council direct staff to draft a potential Interim Policy for indirect waterfront properties within the Lake Drive Shoreline Jurisdiction Action Plan to allow certain works to proceed on lakeside lands, subject to certain conditions, prior to completion of the Action Plan, for submission to Council in September 2022 for consideration;

As Council had directed on March 30, 2022 through Resolution No. [C-2022-0109](#), staff reported back with a second separate report ([DS-2022-0070](#), dated August 10, 2022) outlining a schedule to implement the operational and policy steps for beach associations. Generally, staff were to report back at a later date with more information on beach associations. The Resolutions adopted at that time were as follows:

**RESOLUTION NO. [C-2022-0294](#)**

1. That Council receive Report No. [DS-2022-0070](#) prepared by the Planning Policy Division, Development Services Department, dated August 10, 2022, respecting a Project Schedule for implementation of policy step #12 in the Lake Drive Shoreline Jurisdiction Action Plan for beach associations; and,
2. That Staff report back in the first quarter of 2023 with a Project Schedule and any budgetary needs respecting the implementation of operational and policy steps in the Lake Drive Shoreline Jurisdiction Action Plan for beach associations.

**4. ANALYSIS:**

Report DS-2023-0071 provides an information update to Council on the progress of the Lake Drive Shoreline Jurisdiction Action Plan project. This report highlights the current status of operational and policy steps, along with an overview of the upcoming planned steps for the divestiture process. Additionally, the report presents an interim process designed to facilitate certain works on lakeside lands before the complete implementation of the Action Plan, as per the directive outlined in Resolution [No. 2022-0293](#).

**Interim Process:**

As mentioned above, in August 2022, Council directed staff to develop a potential interim policy for indirect waterfront properties within the Action Plan Area. The purpose was to enable specific works on the lake side of Lake Drive under certain conditions, allowing residents to proceed with their works while the Action Plan is being completed. Town staff have since been implementing an interim approval approach that has also significantly expedited the review and comment turnaround time for residents seeking approvals for shoreline works. That approach is generally described as follows:

Staff regularly receive requests for approval and comments regarding proposed works on the lake side of Lake Drive North and Lake Drive East within the Action Plan Area. This is expected to continue throughout the project implementation phase, with the number of requests varying depending on the season. Typically, these requests come from two main sources:

1. Indirect waterfront property owners: These individuals seek permission from the Town to carry out various works on lands on the lake side of Lake Drive. Such requests may involve activities such as constructing or repairing docks, boathouses, or other structures. Additionally, they may pertain to erosion control and mitigation measures, as well as repairs to existing buildings, structures, fences, and other elements that directly impact life safety; or,
2. Lake Simcoe Region Conservation Authority (LSRCA) and Ministry of Natural Resources and Forestry (MNRF): These governing agencies seek the Town's comments and sign off in relation to proposed works by indirect waterfront property owners along the shoreline. These requests typically involve activities that require permits or regulatory approvals, with the aim of ensuring environmental conservation and compliance with relevant regulations.

Under this interim process, Staff reviews and responds to these requests, considering their impact on the lands on the lake side and the overall goals of the Action Plan. The Town will continue to work collaboratively with property owners, the LSRCA and the MNRF to ensure that all proposed works align with applicable guidelines and regulations, promoting responsible land use and environmental stewardship.

Under the process, indirect waterfront property owners and associations are permitted to continue using and enjoying the waterfront as they have before. It is important to note that in many cases, the Town owns the land up to the water's edge and cannot issue building permits on road allowance lands. However, the Town does not object to indirect property owners making reasonable use of and maintaining the area between the travelled road and the lake. Some repairs can be undertaken without the need for a building permit, regulated by the Ontario Building Code Act. To confirm the

need for a permit, individuals are advised to contact the Town's Building Division ([building@georgina.ca](mailto:building@georgina.ca)).

Currently, and for some time now, the Town has not been issuing building permits on shoreline lands within the Action Plan area. However, staff acknowledge that there may be special cases requiring exceptional consideration. In such instances, the Town will carefully evaluate these cases based on their merits to determine the appropriate course of action. In the case of unsafe conditions, the Town will assess specific circumstances to decide whether action should be taken to protect public health and safety. In these less frequent situations where there is an immediate threat to public life and safety, the Chief Building Official has the authority to order necessary work to address the situation. No changes have been made to prevent the timely resolution of immediate life safety concerns when required.

The Town continues to allow maintenance of existing structures and ongoing erosion and shoreline stabilization measures for lands on the lake side of Lake Drive. Indirect waterfront property owners wishing to make a permit application to the LSRCA or the MNR will be asked to provide written consent from the Town as part of their permitting process. Furthermore, the current Town process has been streamlined, with the Director of Operations and Infrastructure granting delegated authority to the Director of Development Services, or their designate, to approve these types of applications within the Action Plan Area.

It is important to highlight that any consent for shoreline works from the Town or other governing authorities within the Action Plan Area does not imply a position on ownership of the lands. It merely grants consent to perform the described maintenance and/or erosion control measures.

The project website reflects the above interim process, and offers a Frequently Asked Questions (FAQ's) section for residents to find information and obtain answers to questions they may have. Residents are encouraged to visit the webpage for further information on this and other related matters: <https://www.georgina.ca/living-here/roads-and-sidewalks/lake-drive-shoreline-action-plan>.

### **Project Status Update:**

Significant progress has been made in various aspects of the Action Plan as Staff have been actively working towards its implementation, achieving notable advancements in the following areas:

- Land Divestiture for Residents: Dedicated staff members are now actively engaged in executing the Action Plan, ensuring smooth progress of the divestiture process.
- Geographic Information System (GIS) Database: The Town's GIS database is currently undergoing updates and refinements. These enhancements are aimed

at providing accurate and comprehensive information that will support future surveys and facilitate informed decision-making processes.

- Identification of Available Lands for Sale: Substantial strides have been made in identifying surplus lands that will be made available as part of the divestiture. These efforts will enable EPOs to explore opportunities for acquiring legal interest in lakeside lots.
- Identification of Lands for Municipal Purposes: Staff have identified and detailed lands that should be retained for municipal use, ensuring efficient management of resources and aligning with the overall goals of the Action Plan.
- Procurement of Communications Consultant: The procurement process to retain a communications consultant for the project has been successfully completed. Their expertise will play a crucial role in engaging with the community and ensuring effective communication throughout the project.
- Community Consultation and Communication Plan: Recognizing the importance of consultation with residents, a comprehensive communication plan is being developed to keep the community informed of the project's progress and provide opportunities for input and feedback. The communications plan will set out a comprehensive timeline of activities aimed at keeping residents informed and encouraging meaningful participation in engagement activities. Communications efforts will also focus on ensuring that residents understand how their input and feedback will impact decisions related to the implementation of the Action Plan.
- Project Website Update: The project website has undergone significant updates to ensure residents and stakeholders have access to information regarding new developments in the implementation of the Action Plan, Frequently Asked Questions (FAQs), and relevant project-related documents including comprehensive Council reports.

If Council adopts the recommendations in this report, staff will actively seek feedback from EPOs to gauge interest in the divestiture process. This valuable input will be carefully considered and presented to Council in a comprehensive report scheduled for November 2023. The report will encompass several key components, including:

1. Feedback from EPOs: It will include a summary of EPOs' expressions of interest to participate in the divestiture process, providing valuable insights into the community's willingness to engage in the project.
2. Surveyor Request for Proposal (RFP) Results: Staff are currently preparing to initiate the preliminary stages of the procurement process for hiring a surveyor. The November report will present the outcomes of the surveyor RFP, detailing the selected surveyor and associated costs.

3. **Estimated Recoverable Costs:** The report will provide information on estimated recoverable project costs, allowing Council to make informed decisions regarding the financial aspects of the Action Plan.

Furthermore, staff anticipate bringing forward a separate report to Council in September 2023 to specifically address beach associations and to provide comprehensive information regarding their role and participation in the Action Plan.

It is important to note that the contract award for the surveyor, representing a significant cost item for the project, will be considered by Council separately from the annual budget process. This approach will ensure that the budget review process is not held up as the Action Plan progresses, while keeping Council informed about the financial implications related to the project.

By November 2023, staff will present Council with a comprehensive report that encompasses all the aforementioned elements. These reports will provide a comprehensive overview of the project, enabling Council to make informed decisions and determine the most suitable course of action for advancing the Action Plan. Council will at that time be able to consider resident feedback, surveyor RFP results and estimated recoverable costs in moving the matter forward.

Table 1: Operational/Policy Step Status

Step	Operational/Policy Step	Status	Report Date	Resolution
1	Whether Council wishes to pursue the potential divestiture of the lakeside lands.	Complete	August 9, 2017	C-2017-0443
2	Receive report on the Legislative/Legal matters to be addressed to proceed with sale or lease of the lakeside lands.	Complete	January 10, 2018	C-2018-0005
3	Establish Public Consultation process to receive public input related to potential sale or lease of the lakeside lands.	Summer 2023	Communications Consultant	NA
4	Determine whether the divestiture will be based upon concept of profit for the Town, cost recovery only, or expense to the Town.	Complete	January 10, 2018	C-2018-0005
5	Town must determine the extent of the lands along Lake Drive to potentially be divested.	Complete	Conceptual Design	NA
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.	August 2, 2023	August 2, 2023	TBD
7	Town to award contract to Surveyor(s) to create the lakeside lots and have R-Plans registered.	November 22, 2023	November 22, 2023	TBD



8	Town to receive public input regarding Zoning By-law restrictions that may apply to all lakeside lots.	2024		
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 lease only to EPOs (or others as determined by Council).	Complete	June 22, 2022	C-2022-0238 C-2022-0239 C-2022-0240
10	Town to pass Zoning By-law to restrict the use of the lakeside lands/lakeside lots to uses deemed appropriate by the Town.	2024		
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).	2024		
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?).	2023		
13	Town to establish terms by which it is prepared to sell or lease the lakeside lots to EPOs	2024		
14	Town to sell or lease the lakeside lots to EPOs (or others as determined by Council) that the Town has identified	2025		

**5. RELATIONSHIP TO STRATEGIC PLAN:**

The following is one of the Goals and Indicators in the current 2023-2027 Corporate Strategic Plan, under the “Proactively Manage Infrastructure and Assets to Ensure Service Continuity” pillar:

- Continue to advance the Lake Drive Shoreline Jurisdiction Action Plan

**6. FINANCIAL AND BUDGETARY IMPACT:**

The budget for this initiative is as follows and has previous Council approval:

<b>Core Cost components</b>	<b>Upper Limit</b>
Program Manager (up to 3 years)	\$480,000 (incl. payroll costs)
Planning/GIS Technologist (up to 3 years)	\$308,000 (Incl. payroll costs)
Communications Support	\$75,000 (excl. taxes)
Planning Consultant	\$100,000 (excl. taxes)
Legal Counsel	\$300,000 (excl. taxes)

Legal costs for transferring the parcels are not included above as it is anticipated that those costs would be directly flowed through to the transferees as each transfer occurs. It is also noted that the above does not factor in any budget for planning-related appeals.

Council has yet to approve the survey costs associated with the project. However, according to Report No. SI-2022-0006, and subject to the actual results of the RFP process, the estimated surveying costs per parcel fall within the range of \$2,500 to \$4,000.

## **7. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:**

There are no legislated notice requirements associated with this report. If Council adopts the recommendations in this report, a notice letter will be sent out to the indirect waterfront property owners within the Action Plan Area to gauge public interest in participating in the Action Plan divestiture. To encourage residents to provide a response, additional measures may be used to maximize engagement. This may include an option for web-based/email response to the letter and other engagement measures.

## **8. CONCLUSION:**

The Town continues to seek to resolve title matters associated with lands along Lake Drive North and Lake Drive East through implementation of the Lake Drive Shoreline Jurisdiction Action Plan. The interim process takes a balanced and reasonable approach allowing certain types of works to proceed on lands on the lake side of Lake Drive North and Lake Drive East prior to completion of the Action Plan.

If Council adopts the recommendations in this report, staff will seek resident feedback to gauge interest in the divestiture. By initiating the procurement process for hiring a surveyor, staff can provide cost details to Council later this year. In November 2023, staff will present the resident interest results and estimated recoverable project costs, along with the survey costs, enabling Council to make informed decisions for the progression of the Action Plan.

**APPROVALS**

Prepared By: Trevor Jacobs, CET, PMP  
Senior Project Manager, Corporate Projects

Reviewed By: Alan Drozd, MCIP, RPP  
Manager of Planning Policy

Recommended By: Denis Beaulieu, MCIP, RPP  
Director of Development Services

Approved By: Ryan Cronsberry, Chief Administrative Officer

**Attachments:**

Attachment 1: Lake Drive Shoreline Jurisdiction Action Plan Area Map  
Attachment 2: Lake Drive Shoreline Jurisdiction Action Plan