

**THE CORPORATION OF THE TOWN OF GEORGINA**

**REPORT NO. DS-2023-0082**

**FOR THE CONSIDERATION OF  
COUNCIL**

**September 20, 2023**

**SUBJECT: Lake Drive Shoreline Jurisdiction Action Plan – Beach Associations**

**1. RECOMMENDATIONS:**

1. That Council receive Report No. DS-2023-0082 prepared by the Planning Policy Division, Development Services Department, dated September 20, 2023, respecting the Lake Drive Shoreline Jurisdiction Action Plan Area;
2. That as per Action Plan Policy Step 12, Council receive the reporting letter from Ritchie, Ketcheson, Hart and Biggart LLP dated July 11, 2023 (see Attachment 4);
3. That Council recognize the requirement for beach associations to be registered as incorporated not-for-profit organizations, functioning as legal entities, before engaging in any potential long-term lease or sale agreements with the Town;
4. That staff be directed to engage in a consultation process with beach associations for feedback, and report back to Council in Q1 2024; and,
5. That staff, following the above-mentioned consultation process with beach associations, report back to Council to seek direction on land management options and a cost structure breakdown for beach associations.

**2. PURPOSE:**

The purpose of this report is to provide an overview and analysis of the beach associations along Lake Drive within the Lake Drive Shoreline Jurisdiction Action Plan (Action Plan) Area (see Attachment 1) with the goal of facilitating the development of an inclusive and effective approach to managing the beach association lands within the Action Plan Area.

When the budget was allocated to the Lake Drive Shoreline Jurisdiction Action Plan, it initially excluded beach associations as more information was needed to understand their specific requirements and associated project costs. The same approach was taken for any related costs, recoverable costs, and schedule until further knowledge was gained. Consequently, beach associations were treated separately, and Council directed staff to report back with additional information.

This report explores the potential benefits of establishing beach associations as legal entities and considers the advantages of a non-profit organizational structure for these

associations. It presents four different land management approaches for the Town-owned land used by the beach associations, assessing the advantages and disadvantages of each option. The report recommends a combined schedule and methodology that aligns with the approach taken for other eligible property owners, ensuring consistency in the overall process.

Furthermore, the report emphasizes the significance of engaging the beach associations in a thorough consultation process. This involvement will enable a comprehensive understanding of their unique needs and concerns, contributing to Policy Step #12 of the Action Plan. The objective is to inform decision-making and develop a comprehensive policy that addresses the specific requirements of the beach associations while considering the broader goals of the Action Plan and the Town.

### **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 consists 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.

**August 2, 2023 Council Meeting**

On August 2, 2023, Council considered Report No. [DS-2023-0071](#), which provided a project update, and included recommendations to further the Action Plan. The following resolutions were adopted by Council:

**RESOLUTION NO. C-2023-0278**

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.

**4. ANALYSIS:**

This report specifically addresses the beach associations operating on Town road allowance lands along the shoreline of Lake Drive East and Lake Drive North within the Action Plan Area (see Attachment 1). Beach associations along Lake Drive use, manage, and maintain public lands adjacent to Lake Simcoe. These associations primarily consist of residents residing near the lake who, although not necessarily waterfront property owners, seek to access the lake and use these lands for recreational purposes. These community-based groups provide a platform for residents to collaborate, fostering a sense of community spirit.

These beach associations actively contribute to the maintenance of the shoreline areas. Through collective efforts and financial contributions, they enhance the overall experience for those involved. It is noteworthy that the locations of these associations typically lie along the shoreline, situated at the end of roads intersecting with Lake Drive. Historically part of the original road allowance for Lake Drive, these areas have been used by these groups for years, even though the individual residents do not own the land. As the value of these lands became apparent over time, residents formed beach associations to safeguard their access and promote the enjoyment of the shoreline.

Staff estimate that a total of 27 individual beach association locations exist within the Action Plan Area, all situated on Town-owned land along the shoreline. With just one exception, all are located at the end of intersecting roads. Among these, five are located in the Keswick area, while the remaining 22 are found along the lake's southern shoreline, stretching from east to west. These areas encompass a spectrum of usage, ranging from private use of only three nearby houses to entire streets. Administration of these areas ranges from those involving strict membership fees to more loosely structured arrangements. Generally speaking all 27 locations have well-kept grass and surroundings. The beach association areas do not receive routine maintenance from the Town, with the exception of a single garbage can positioned on the boulevard, found at the end of Farley Circle.

Of these sites, 18 are fenced and/or gated, with 7 of them locked. Docks leading into the lake, coupled with seating areas offering lakeside views, are a common feature. Sandy areas often host designated spaces for swimming, while other spots feature stairs leading into the water or ladders off the docks. The waterfront widths vary, spanning from 9 to 81 metres, with most falling within the range of 9 to 25 metres. 25 of these 27 locations display signs indicating private property or usage exclusive to the respective beach association.

Staff understand that many beach associations operating along Lake Drive function as informal groups and are not registered businesses or legal entities. Members of these associations contribute to their operations by paying annual fees. These fees, combined with volunteer work, play a key role in maintaining the land and assets associated with the shoreline areas.

### **Legal Entities**

Beach associations are often not registered as legal entities and operate as informal community groups. This allows them flexibility in decision-making and activities, simplifies governance, avoids costs and administrative obligations, and aligns with the scale of their localized operations.

To facilitate legal agreements between the Town and beach associations within the Action Plan Area, the Town would require beach associations to become legal entities. By establishing themselves as legal entities, the associations can enter into formal

lease agreements or sales contracts with the Town. This legal status provides the necessary framework to ensure the enforceability and legitimacy of such transactions (see Attachment 4).

Beach associations should take the form of not-for-profit organizations instead of commercial businesses. This would allow them to prioritize community service, environmental stewardship, and recreational activities without maintaining a primary focus on generating profits. By adopting a non-profit structure, associations can demonstrate their commitment to the community, access potential benefits like tax exemptions and funding opportunities, and reinforce their mission as community-oriented entities.

### **Relationship to the Waterfront Parks Master Plan**

Staff recognize the overlapping scope between the Action Plan and the Waterfront Parks Master Plan (WPMP) concerning beach associations. The WPMP addresses beach associations along the shoreline but excludes those within the Action Plan Area. The exclusion of beach associations from the WPMP study in this area was primarily due to the complexity of ownership, as the areas have not previously been mapped as Town-owned land.

Another distinction between the beach association lands within the Action Plan Area and those outside the area lies in the configuration. Outside the area, road-ends have private property parcels on both sides, forming a cross-like intersection with a stub street extending to the water.

In contrast, the beach association lands within the Action Plan Area have roads that meet Lake Drive in a “T” intersection. There are no stub streets extending past Lake Drive to the water, and there are no defining property parcels along the water. Instead, the original road allowance of Lake Drive continues parallel to the lake.

The WPMP identifies 27 publicly owned waterfront road-ends and properties; however, it has not addressed beach association locations within the Action Plan Area. These beach association locations within the Action Plan Area have associated likenesses with what the WPMP categorizes as Category 3, - where the areas are signed as no trespassing, designated for residents’ association use only, or have no lake access and are fenced to appear as private. Since the WPMP does not provide recommendations for beach associations within the Action Plan Area, staff will seek direction from Council through the Action Plan regarding the management of these lands.

Council should recognize that these beach associations within the two separate studies share similarities, and decisions made regarding one may influence the other and the long-term planning of Town parkland, community access, and beach association access to Lake Simcoe. It is important to have a comprehensive

understanding of how the Town intends to manage these lands, particularly if the decision is made to sell them to the beach associations.

The shortage of public parkland and limited public access to the lake along Lake Drive highlights the need to consider beach association locations and lands within the Action Plan Area as an opportunity to address these challenges. While it has been publicly acknowledged in the past that the Town owns a substantial portion of the land along Lake Drive, recent findings have provided greater clarity on ownership, revealing that the majority of beach associations are associated with public land. This may raise concerns among residents who were unaware of the ownership of these areas. Many beach associations are labeled as private and restricted to members only, leading residents to assume these areas were privately owned. Even members of the beach associations themselves may have believed they owned the land being used. It is essential to address these perceptions and ensure that Council and the community understand the public nature of these lands and the importance of the access they provide.

### **Land Management Options**

The options presented in this report evaluate different approaches and their associated values. Given the challenge of finding a one-size-fits-all approach that satisfies all stakeholders, a balanced decision with a forward-looking perspective is of utmost importance.

This report presents four potential options for the management of the beach association locations and lands within the Action Plan Area: (1) entering into long-term leases; (2) selling the land; (3) establishing a federation of beach associations; or (4) retaining the land under Town ownership. Each option has its own advantages and considerations that should be carefully evaluated.

Selling the land offers the potential to recover the Town's costs and could address concerns related to ownership and maintenance responsibilities. Long-term leases provide a middle ground, allowing the Town to maintain ownership while granting exclusive use to the beach associations. Establishing a federation of Beach associations could facilitate coordinated management and shared resources among the beach associations, promoting collaboration and community engagement. Retaining the land under Town ownership ensures public access to and control over these valuable waterfront areas.

It is important for Council to consider the unique perspectives and concerns of beach association members, as well as the community's overall desire for public parkland and equitable access to the lake. Any decision made should prioritize the long-term sustainability, inclusivity, and enjoyment of these areas.

By thoroughly examining the pros and cons of each option, engaging in meaningful community consultation, and considering the complexities associated with ownership,

infrastructure, and community expectations, Council can make an informed decision that best aligns with the interests of the community and its vision for the future of these beach association locations and lands.

### Long-Term Leases

By adopting long-term leases as an approach, the Town can ensure stability, accountability, and control over the shoreline areas while still allowing beach associations to actively manage and maintain them. Long-term leases provide a balance between maintaining the Town's ownership of the land and empowering beach associations to carry out day-to-day operations.

Leasing the lands to beach associations presents both advantages and disadvantages for the Town. Leasing transfers operational and maintenance responsibilities to the associations, reducing the Town's risk by distributing liability among the involved parties, and establishes a clear contractual framework. However, it is important to acknowledge that leasing also involves the retention of some liability by the Town as the property's landlord, as it may remain at least partially responsible for accidents and damage.

Issuing long-term leases for the lands would allow the Town to retain control over the property, ensuring alignment with community objectives and long-term planning goals. The leases could potentially offer a revenue stream, supporting ongoing maintenance and community initiatives. Member access to the beach areas would be preserved, promoting inclusivity and community cohesion. Retaining ownership would also provide flexibility for future needs, and opportunities to collaborate with beach associations could also arise.

### Pros of Long-Term Leases:

- **Retained Ownership:** By opting for long-term leases, the Town maintains ownership of the land, ensuring long-term control and influence over its use and development.
- **Flexibility and Future Needs:** Leasing allows the Town to retain flexibility for future needs, such as infrastructure improvements or changes in community objectives.
- **Risk Mitigation:** The Town can transfer certain risks and liabilities associated with the land to the lessee, reducing potential financial burdens and responsibilities.
- **Sustainable Revenue Stream:** Leasing the land could provide a sustainable revenue stream for the Town, as it can collect lease payments from the beach associations over an extended period of time.
- **Collaboration Opportunities:** Long-term leases can foster collaboration between the Town and beach associations, encouraging joint decision-making and shared responsibilities for the maintenance and management of the beach areas.

Cons of Long-Term Leases:

- **Reduced Certainty:** Leases do not provide the same level of certainty as outright ownership, as the Town may need to renegotiate lease terms periodically, potentially leading to changes in usage or disputes.
- **Potential Revenue Limitation:** Lease agreements may not generate as much immediate revenue as a one-time sale of the land to beach associations, which could impact the Town's financial considerations in the short term.
- **Limited Control over Operations:** With long-term leases, the Town relinquishes direct operational control to the beach associations, relying on their ability to effectively manage and maintain the beach areas.

Selling of Lands:

Selling the land to beach associations is another option that has been considered in the discussion. This option involves transferring ownership of the land to the beach associations, granting them control and decision-making authority over the property. By purchasing the land, beach associations would have the opportunity to manage and develop them according to their specific needs and preferences. They would be able to implement their own policies, maintain the land, and potentially generate revenue through membership fees or other means. However, it is important to carefully weigh the potential implications of selling the land, such as limited public access, exclusionary practices, possible commercialization, and concerns about the divestment of public lakefront assets. These factors must be thoroughly evaluated to ensure that the decision aligns with the broader goals of inclusivity, community benefit, and responsible land management.

If the Town decides to sell the land to beach associations, it is important to include provisions in the sale agreements that ensure the land remains within the beach association community and is not sold for profit to someone outside the association. Several possible approaches can be considered to achieve this goal:

- **Option to Repurchase:** Including an "option to repurchase" clause in the sale agreement grants the Town the option to repurchase the land at a predetermined price if the beach association wishes to sell it in the future. This provision provides the Town with the opportunity to retain control and prevent the land from being sold to an external party.
- **Restrictive Covenants:** The sale agreement can incorporate restrictive covenants that restrict the use of the land exclusively to beach association purposes. These covenants ensure that the land remains owned and controlled by the beach association, prohibiting its sale to any entity or individual outside of the association.
- **Transfer Restrictions:** Imposing restrictions on the transfer of ownership in the sale agreement could be a means of requiring that any future sale not be made to entities that are not beach association members, ensuring that the land remains

within the beach association community and preventing its sale to external parties for profit.

- **Membership Requirements:** The Town could insist on the establishment of specific membership requirements for the beach association, such as residency or active participation in the association's activities. These requirements could help maintain the association's identity and purpose, reducing the likelihood of members selling the land to non-beach association individuals or entities.

It is essential for the Town to seek guidance from legal advisors to ensure that any provisions or restrictions included in the sale agreement are legally enforceable and comply with local regulations and laws. By incorporating these measures, the Town can effectively safeguard the ownership and use of the land within the beach association community.

#### Pros of Selling the Land:

- **Immediate financial benefit:** Selling the land would provide the Town with funds from the sale, which could be used to defray its costs or be allocated towards other community projects or initiatives.
- **Relieved responsibilities:** By transferring ownership to the beach associations, the Town is relieved of direct responsibility for the maintenance and management of the beach areas.
- **Ownership and control:** Selling the land to beach associations would grant them ownership and control over the property, allowing them to make decisions and manage the land according to their specific needs and priorities.
- **Financial benefits:** The sale of land to beach associations could provide a significant financial benefit to the associations, which could potentially generate revenue for community development, maintenance, or improvement projects.
- **Flexibility in land use:** With ownership, beach associations would have the flexibility to determine how the land is used (subject to any zoning restrictions the Town might create), including the ability to develop amenities, infrastructure, or recreational facilities that align with their members' preferences and enhance the overall member experience.
- **Enhanced sense of ownership:** Ownership of the land can foster a greater sense of stewardship and pride among beach association members, encouraging active engagement, participation, and investment in the maintenance and preservation of the area.

#### Cons of Selling the Land:

- **Loss of Control:** Selling the land means the Town relinquishes control over its use, potentially limiting its ability to influence future decisions regarding the beach areas.
- **Uncertainty for the future:** The Town may face uncertainties if the beach associations wish to sell the land in the future, potentially leading to changes in

ownership or usage that may not align with the Town's long-term goals or community interests.

- Limited public access and community benefit: Selling the land to beach associations may restrict public access to the waterfront, potentially limiting the enjoyment and use of the area by the broader community.
- Potential commercialization: If beach associations are allowed to sell or run the land as for-profit businesses, it may lead to commercialization of the land, potentially compromising the natural or public character of the beach.
- Public perception and concerns: Selling public land to beach associations can raise concerns among the public who may perceive it as a divestment of public assets or an unequal distribution of resources. This can result in public opposition or criticism.
- Loss of tax revenue: If the Town sells the land to beach associations, it will not receive tax revenue from those properties since beach associations are often exempt from property taxes. This loss of tax revenue could impact the Town's overall budget and financial resources.

#### Federation of Beach Associations:

In addition to considering the options of leasing or selling the lands, another potential alternative would be the establishment of a beach association federation. The beach association federation would involve the formation of a unified entity that brings together all beach associations operating within the Action Plan Area. This federation, which could also be overseen by the Town, would serve as a collective body responsible for the management and maintenance of the shoreline areas. It would operate under a predetermined governance structure, with a board of directors composed of representatives from each beach association.

A federation could achieve several benefits. It could provide a streamlined and organized approach to the management of the beach areas, ensuring accountability, consistency, and improved collaboration among the associations. The Town could retain oversight, while delegating the day-to-day operations to the federation. This arrangement would foster a sense of ownership and commitment to the preservation and enjoyment of the shoreline areas, and presents a unique opportunity to create a sustainable and unified management framework that benefits the beach associations, the community, and the Town.

If the different beach associations formed together to collectively own or lease the lands, it could result in a consolidated structure that might look something like the following:

1. Formation of a federation: The beach associations would come together to establish a formal federation or alliance. This federation would serve as an umbrella organization representing the collective interests of all participating beach associations.

2. **Governing body:** The federation would have a governing body composed of representatives from each participating beach association. These representatives would serve as decision-makers and establish policies, rules, and regulations governing the use and management of the beach lands.
3. **Shared ownership or leasing:** The federation, on behalf of the participating beach associations, would either collectively own the land or enter into one long-term lease agreement with the Town. This shared ownership or leasing arrangement would provide the federation and its member associations with the necessary legal rights and responsibilities over the beach lands.
4. **Resource pooling:** The federation would facilitate resource pooling among the member associations. This could include financial resources, expertise, maintenance equipment, and/or administrative support. By combining their resources, the beach associations could enhance their collective capabilities and effectively manage the beach lands.
5. **Common policies and standards:** The federation would establish common policies, standards, and guidelines for the member associations to ensure consistency and cohesion in the management of the beach areas. This may include rules related to beach access, usage, maintenance, environmental conservation, and community engagement.
6. **Representation and advocacy:** The federation would represent the collective interests of the member associations in dealings with the Town, local authorities, or other relevant stakeholders. It would advocate for the needs and concerns of the beach associations, seek collaboration opportunities, and work towards achieving common goals.
7. **Membership and participation:** The member associations would maintain their individual identities and memberships, while also being part of the federation. They would participate in the decision-making processes of the federation and adhere to the established policies and guidelines.

This structure would allow the beach associations to leverage their collective strength, resources, and expertise while ensuring a unified approach to the management and governance of the beach lands. It could foster collaboration, promote efficient resource utilization, and strengthen the voice of the beach associations in matters concerning the beach areas.

Forming a federation or alliance among the beach associations to collectively own or lease the land could be a favorable option for the Town. It enables consolidated management, enhanced collaboration, unified representation, risk mitigation, and increased community engagement. However, careful evaluation and consultation are necessary to determine the feasibility and alignment of this option with the Town's goals and resources.

Incorporating a federation provides a formalized structure with legal recognition and a clear governance framework. It strengthens the federation's ability to act as a unified entity, facilitates decision making processes, and enables the pursuit of its objectives with greater credibility and transparency.

Pros of a Federation:

- **Structured organization:** A federation provides a formal structure and framework for beach associations to operate within, promoting better organization and governance. It establishes clear roles, responsibilities, and procedures, enhancing efficiency and accountability.
- **Collaborative decision-making:** By coming together under a federation, beach associations can engage in collaborative decision-making processes. This ensures that important decisions, such as policies, regulations, and resource allocation, are made collectively, considering the interests and needs of all participating associations.
- **Enhanced resource sharing:** A federation enables beach associations to pool their resources, expertise, and knowledge. This can lead to more efficient management and operations, as associations can share best practices, collaborate on projects, and jointly access funding opportunities.
- **Improved representation:** With a federation, beach associations can achieve better representation and inclusivity. By having board members from various associations, a federation ensures that different perspectives and interests are represented, giving each association a voice in decision-making processes.

Cons of a Federation:

- **Coordination challenges:** Establishing and maintaining a federation requires ongoing coordination and effort from participating associations. It may involve regular meetings, communication, and coordination of activities, which can be challenging, especially if associations have different schedules, priorities, or levels of commitment.
- **Potential conflicts and differing interests:** When multiple beach associations come together in a federation, there is a possibility of conflicting interests and differing opinions. Balancing these interests and resolving conflicts can be complex and time-consuming, requiring effective communication and negotiation among the participating associations. And ultimately, the decision to form a federation will depend upon the willingness of the individual federations to do so.
- **Limited suitability:** Not all beach associations may find a federation suitable or desirable for their specific needs and goals. Some associations may prefer to maintain their independence and autonomy, as they prioritize their individual interests or have specific operational requirements that may not align well with a federation structure.
- **Potential for slower decision-making:** Involving multiple associations in decision making processes can result in slower progress and implementation. Consensus building and reaching agreements among different associations may take time, potentially slowing down the decision-making process and the ability to respond promptly to emerging issues or opportunities.
- **Increased Influence and Autonomy:** While a federation can provide unified strength, it also has the potential to become an entity that demands attention from

the Town. As the federation gains influence, it might develop its own set of priorities and goals, potentially leading to a scenario where the Town needs to consider the federation's stance on various matters.

#### Public Park Land:

The option of retaining the land as public parkland presents an opportunity to address the shortage of public park space and limited public access to the lake along Lake Drive. By keeping the land under public ownership, the Town can ensure that these valuable waterfront areas remain accessible to all residents, providing a place for leisure, recreation, and connection with nature.

However, this option may also raise concerns among current beach association members and individuals who have been enjoying these locations exclusively. These stakeholders may have invested in and built assets within these areas, believing they have ownership rights. Any decision to retain the land for public use must carefully consider the concerns and perspectives of these individuals to mitigate any potential conflicts and ensure a fair and inclusive outcome.

One of the complexities associated with this option is managing the existing assets and infrastructure within the beach association locations. These assets may have been privately funded and maintained by the association members themselves. Finding a balanced approach that respects the investments made by these individuals while also ensuring public access and equitable use of the land will require thoughtful deliberation.

Furthermore, it is essential to address the perceptions and expectations of beach association members who have long believed that these areas are privately owned. Clear communication and engagement with the community would be essential in conveying the public nature of these lands and the reasons for considering their retention as public parkland.

By carefully weighing the pros and cons of retaining the land as public parkland, Council can make an informed decision that balances the interests of all stakeholders, promotes community cohesion, and ensures the long-term preservation and enjoyment of these valuable waterfront areas.

#### Pros to Town Park Land:

- Preserves public ownership: Retaining the land as public parkland ensures that it remains accessible to all residents and avoids potential privatization.
- Enhanced public access: Keeping the land as public parkland allows for the development of additional access points and amenities, providing more opportunities for the community to enjoy the waterfront.

- Environmental conservation: Public ownership enables the Town to implement environmental stewardship measures and protect sensitive ecosystems along the shoreline.
- Community cohesion: By maintaining the land as public parkland, the Town fosters a sense of community and inclusivity for the greater area, providing a shared space for Town residents to connect and engage in recreational activities.
- Reduced strain on existing parks: Retaining the land as public parkland provides additional locations for residents to enjoy, helping alleviate overcrowding issues in other community and destination parks, particularly during busy periods and with visitors from outside the community.

**Cons to Town Park Land:**

- Concerns of current beach association members, including perceived ownership: Retaining the land as public parkland may raise concerns among current beach association members who have enjoyed exclusive access to these locations, and may firmly believe they own the properties. They may feel their rights and privileges are being diminished or that their investments in the assets within these locations are at risk. The transition to public parkland may require addressing these perceptions and managing potential disputes or challenges to the change in ownership.
- Asset ownership complexities: The assets, such as structures and amenities, built and maintained by beach association members may add complexity to the retention of the land as public parkland. Determining the ownership, management, and potential compensation for these assets becomes a significant consideration.
- Balancing stakeholder interests: Retaining the land as public parkland requires balancing the interests of various stakeholders, including current beach association members, the wider community, and the Town's responsibility to provide equitable access and maximize public benefit.
- Additional Town resources for maintenance: Retaining the land as public parkland would place additional responsibilities on the Town for the maintenance and upkeep of the beach areas. This could require allocating additional resources and budget to ensure the proper maintenance, cleanliness, and safety of the parkland, which may impact other Town priorities and services.
- Parking and overcrowding: Most of the locations are very small and are not configured to accommodate Town-wide use. This may lead to issues related to limited parking facilities and potential overcrowding, especially during peak seasons. This would result in congestion and inconvenience for both residents and visitors, necessitating management of these challenges.

**Consultation:**

A communications consultant has been retained for the Action Plan. Prior to any decision making concerning the disposition of lands used by beach associations, staff will implement an engagement process, led by the consultant, to give beach association stakeholders the opportunity to provide input and feedback. The objective

of engaging directly with beach association stakeholders is to ensure that they are kept up-to-date on Action Plan progress, to listen to and acknowledge their feedback, and to provide information on how their input and feedback will inform decisions related to implementation of the Action Plan. The format for engaging with beach association stakeholders will include multiple options for participation, including in-person and/or virtual focus group sessions, and/or online and paper questionnaires.

Reporting back to Council with the findings of the consultation process will enable informed decision-making and ensure transparency in the decision-making process. It will provide an opportunity for Council to review and consider the feedback received, and subsequently determine the most appropriate course of action for beach associations.

### **Schedule and Divestiture:**

The process to determine which lands can be deemed surplus for beach association locations through the Action Plan is aligned with the methodology used for other eligible property owners. It is recommended that Town staff continue to follow the steps outlined in the Action Plan and related process for the beach associations, similar to how it has been done for other properties.

Proceeding through the steps of the Action Plan process and implementing a combined schedule with beach associations in a consistent manner makes sense from logistical, efficiency, and cost perspectives. By following established protocols, the Town can leverage existing procedures, documentation and resources, streamlining the overall process. Treating beach associations similarly to other eligible property owners reduces administrative complexity and allows for a more efficient allocation of staff time and resources, benefiting the Town and all parties involved.

Once a land management decision is made, Council should also consider applying a similar cost structure for beach associations as they have done for other eligible property owners. This ensures fairness and consistency in how costs are allocated.

## **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:**

It is recommended that the budget allocated for beach associations be consolidated with the comprehensive budget outlined in the Action Plan below. This consolidation

will not incur any extra costs. The financial allocation for this initiative is provided as follows and has been previously approved by the Council:

<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 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.

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

There are no legislated notice requirements associated with this report. A consultation process will take place this fall with beach association stakeholders within the *Action Plan Area* should Council approve the recommendation, to gain feedback on long-term land management options.

**8. CONCLUSION:**

This report has presented an analysis of the beach associations operating along the Lake Drive shoreline within the Action Plan Area. It presents the benefits of legal entity establishment and non-profit organizational structures, as well as outlining various management approaches for the Town owned land. Additionally, the recommendation to adopt a combined schedule and methodology for divestiture aligns with the approach used for other Lake Drive properties. The importance of engaging the beach associations through a thorough consultation process has been emphasized to ensure appropriate consultation. Ultimately, the objective is to develop a comprehensive policy that addresses the unique needs and concerns of the beach associations while aligning with Policy Step #12 of the Action Plan. This report serves as a crucial tool in the decision-making process, facilitating the development of an inclusive and effective approach to managing the beach association lands within the Action Plan Area.

**APPROVALS**

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

Approved By: Rob Wheeler, CPA, CA  
Deputy CAO and Town Treasurer

***Attachments:***

Attachment 1: Lake Drive Shoreline Jurisdiction Action Plan Area Map

Attachment 2: Lake Drive Shoreline Jurisdiction Action Plan – Beach Association Maps

Attachment 3: Lake Drive Shoreline Jurisdiction Action Plan

Attachment 4: Correspondence from Ritchie Ketcheson Hart and Biggart LLP dated July 11, 2023