

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. CAO-2015-0011

**FOR THE CONSIDERATION OF
COUNCIL
SEPTEMBER 23, 2015**

SUBJECT: LAKE DRIVE – SHORELINE JURISDICTION AD HOC COMMITTEE

1. RECOMMENDATION:

- 1. That Report CAO-2015-0011 regarding Lake Drive – Shoreline Jurisdiction Ad Hoc Committee be received.**
- 2. That the Lake Drive – Shoreline Jurisdiction Ad Hoc Committee be created.**
- 3. That Mayor Quirk, Councillor Fellini and Councillor Neeson be the Town's political representatives on the Committee.**
- 4. That staff support the Committee as required.**
- 5. That Alan Direnfeld, Susan Jagminas, John Ecclestone and Deyril Blanchard be appointed to the Committee.**
- 6. That an Eastbourne representative, yet to be determined be appointed to the Committee.**
- 7. That staff advertise the opportunity for 1-3 additional Committee members.**
- 8. That inclusion of a representative of Hedge Road be considered.**
- 9. That staff draft Terms of Reference for the Committee and submit to Council for approval.**

2. PURPOSE

To recommend the creation of an Ad Hoc Committee to inform the decision making process related to Lake Drive – Shoreline Jurisdiction policy creation.

To recommend the appointment of members to the Ad Hoc Committee.

3. **BACKGROUND**

On July 14, 2015 Report OED-2015-0025 was considered by Council. Council subsequently adopted the following resolution:

Moved by Councillor Davison, Seconded by Councillor Sebo

RESOLUTION NO. C-2015-0511

1. That Council receive Report No. OED-2015-0025 prepared by the Operations and Engineering Department dated July 14, 2015 regarding Lake Drive North and East – Policy re Shoreline Development.
2. That staff report back with drafts of the proposed policies and agreements.
3. That staff communicate to the public that this matter is before Council and advertise the dates of any forthcoming reports.
4. That staff use the resources of Lidor GPS Mapping Contractor to establish a baseline of existing structures and modifications to the lake side of the travelled portion.

Carried.

In response to the report, members of the community began to communicate their concerns to the Town, via Council and via staff. Staff have been maintaining a record of all inputs received.

On September 3, 2015 representatives of the Lake Drive Legal Defence Fund on Behalf of Lake Drive Waterfront Owners met with representatives of the Town to pose questions pertaining to the matter (see Attachment 2). During this meeting the suggestion of the Town creating an Ad Hoc Committee was contemplated.

On September 8, 2015 the Lake Drive Waterfront Owners held a Town Hall meeting for Lake Drive residents.

Subsequent to the residents' meeting, the Town received confirmation of the desire for resident participation on such an Ad Hoc Committee.

4. **ANALYSIS**

The creation of an Ad hoc Committee would assist in facilitating Council's direction that the community be informed of subsequent efforts on this matter.

The Terms of Reference for the Committee would include the creation of communication protocols. Formally adopted communication protocols would ensure that communication on the matter is coordinated, accurate, fulsome and productive.

5. **FINANCIAL AND BUDGETARY IMPACT**

The creation of an Ad Hoc Committee does not have any financial implications. The efforts of the Committee may have financial implications that will either be absorbed into operating budgets or identified in the 2016 Budget process.

6. **PUBLIC NOTICE REQUIRMENTS**

Typically the availability of positions on Town Committees is advertised to the public, applications are received and considered.

In this situation, preliminary discussions have taken place with interested parties and those discussions should be dealt with in good faith. To ensure equity of access of the broader public to the Committee, it is recommended that the availability of 1-3 additional seats on the Committee be advertised to the public.

As per Council direction on July 14, 2015 staff communicated that this report is before Council.

7. **CONCLUSION**

The creation of an Ad Hoc Committee to inform the decision making process related to Lake Drive – Shoreline Jurisdiction policy creation, is deemed to be a positive endeavor that would recognize the significance of this matter of community interest.

Prepared by:



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

Attachment 1 – Questions to Council and Staff from the Lake Drive Legal Defence Fund on Behalf of Lake Drive Waterfront Owners

Questions to Council and Town Staff ... September 3rd. 2015

From the Lake Drive Legal Defence Fund on behalf of Lake Drive waterfront owners

Introduction

Mayor, Councillors, and Town Staff, we thank you for meeting with us today. Throughout the meeting that follows we ask you to *think* about this opening statement ...

If YOU as Town representatives were to change places with the waterfront residents, would YOU have an alternate viewpoint other than the suggested encroachment agreement and embedded indemnification requirements?

We also want you to think about, and answer at the end of this meeting:
WHAT IS THE VISION FOR THE LAKE DRIVE ROADS?

WHAT IS THE HARD CORE PLAN AND TIMING?

QUESTIONS:

1) WHY WAS HEDGE ROAD LEFT OUT OF OED 2015-0025? THE INDEMNIFICATION ISSUES STATED SHOULD EQUALLY APPLY TO ALL THE INDIRECT LAKEFRONTS.

2) IS THE TOWN, EITHER ITSELF OR THROUGH A THIRD PARTY PURSUING AN AUDIT OF RESIDENTS DEEDS?

3) HAS THE TOWN CONSIDERED THE ISSUE OF PROPERTY VALUES BEING IMPACTED? HOW IS THE TOWN ADDRESSING THIS?

4) On what basis is the GPS mapping being done? For example is the Town using the existing plans of subdivisions to do the mapping? What did the Town instruct the parties performing the mapping to do? Is the mapping letting us know what the actual coordinates of the road are OR is it mapped out based upon data in the subdivision plans indicating where the road SHOULD be?

5) The road allowance of 66 feet from the shoreline ... to what shoreline are they referring? Is it based upon a pegged year for a HIGH water mark?

6) The ministry has long approved filling in of the lake bed and consequent pushing out of the shore line. Does the road start from where we pushed it out or from some place closer to the traveled portion such that the filled in Lake Bed is Ministry lands over which the Town has no control?

7) To the extent that a portion of most front yards are in fact a part of the road allowance, is it the Town's intention to reclaim it for the Town's own use?

8) To the extent that a portion of the lake fronts are in fact a part of the road allowance, is it the Town's intention to reclaim it for the Town's own use?

9) IS THE TOWN PLANNING ANY EXPROPRIATIONS?

10) Is the Town willing to consider selling the lake front portion of the road allowance to the property owners?

Preamble to the next questions: In the staff report presented to Council on July 14, it states that "staff has determined that encroachment agreements are a viable tool to be used by the Town to control the shoreline development in question". This raises three questions:

11) What other tools did they explore? In other words, what research or "analysis" (as suggested in the staff report) did they undertake to come to that conclusion?

12) If the issue is shoreline development, how do encroachment agreements resolve this? Would the passing of by-laws or other regulations that impose a certain standard on development not resolve this?

13) Why is the Town not following its own policy on public consultation on this issue?

14) Why do I need to pay for insurance to indemnify the Town to cross a road allowance to get to my dock on the lake bed? The only way that I would consider

paying for insurance is if I am allowed to buy the lake front or in return for the exclusive use of the lakefront.

15) What responsibilities, if any, is the Town admitting to with respect to the road allowance? For example, drainage, ditches, culverts?

16) Are hedges and/or fences that block views going to be required to be removed, or reduced to a 4 foot height to improve the scenic route as part of the Town's future actions subsequent to its enacting OED-2015-0025?

CONCLUDING REMARKS

As waterfront owners we respectfully suggest there is always a middle ground ... and it COULD BE right where it has always been ... We would rather have a negotiated solution rather than the one being considered or imposed as it stands ..

We come back to our first question we asked you to think about:

WHAT IS THE VISION FOR THE LAKE DRIVE ROADS?

WHAT IS THE HARD CORE PLAN? WHAT IS THE TIMING?

We as Lake Drive residents need to understand the PLAN for the Lake Drives. We need a resolution so that the Town does not repeat their actions every decade or less, forcing us to take legal action to defend ourselves.

What is the Town's plan to resolve this?