

Bluewater Trailer Park – Confidential Property Matter
McQueen Galloway Associates

Background

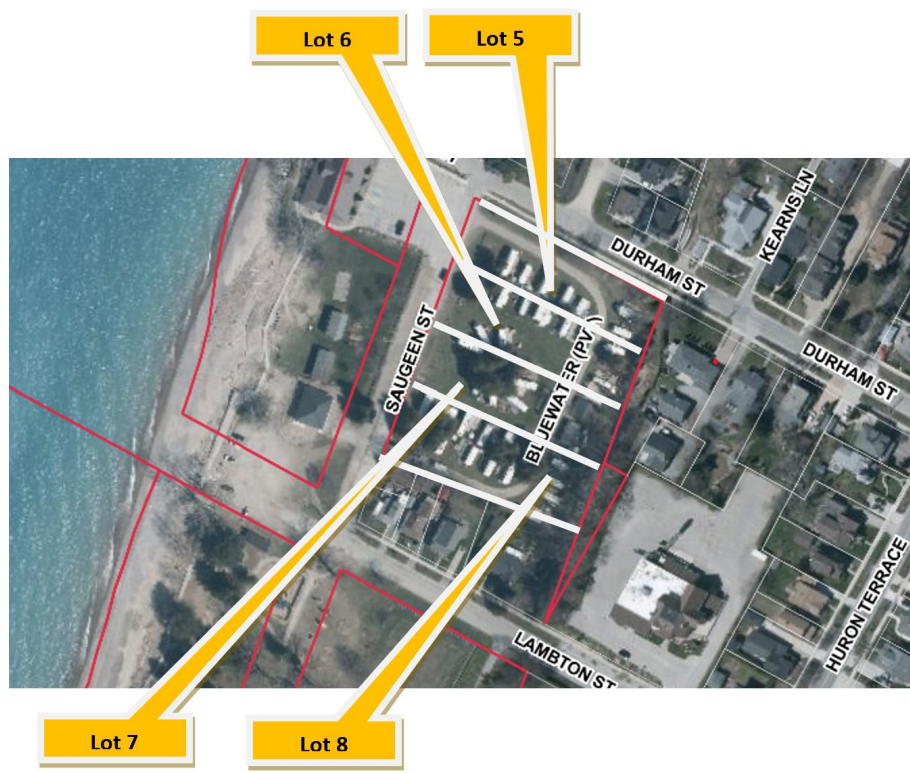
On Wednesday, February 22, 2023, Council received Report Parks & Facilities-2023-08 regarding the Bluewater Trailer Park. The report identified that the Bluewater Trailer Park Agreement was set to expire on October 21, 2023, and Staff recommended an extension of two years to the Agreement to provide sufficient time for Council to determine the future of the said lands. In their report Staff also identified that community engagement, legal advice and long-term planning be considered when determining the future of the said lands. A copy of the Staff Report is attached to this document for reference purposes.

Council approved Resolution # 02/22/23 – 03 as follows.

THAT the “Bluewater Trailer Park Tender Acceptance (Lisa Stacey) Amendment (1) By-law” be deemed to be read a first, second and third time, finally passed and numbered as By-law No. 2023 - 028, as amended¹.

Strategic Plan

As part of the scope of work for the Parks and Recreation Strategic Plan, staff asked the successful consultants to explore the future of the operations of the Bluewater Trailer Park. The purpose of this report is to advise Council on our findings. The Bluewater Trailer is sited over 4 lots (lots 5, lot 6, lot 7, lot 8).



¹ Amended to include a one-year extension to October 2024

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In reviewing previous agreements, the Municipality owns lot 7 and lot 8 being the two lots closest to Lambton Street, and east of Saugeen Street. Lot 5 and lot 6 were once privately owned and were conveyed to the Municipality for the expressed purposes of a “public Park, Garden, or Walk”. It should be noted that there is a separate agreement pertaining to lots 5 and lots 6 that pre-dates a subsequent agreement from a different family related to lots 10,11,12,13 currently known as Macpherson Park.

As part of this review, it became clear that a legal opinion was required to assess the substance of the Rightmeyer Indenture (agreement) of October 1882. More specifically Staff sought a legal opinion on whether a Trailer Park would have been or could be considered a “public Park, Garden, or Walk”. The legal opinion suggested that the Municipalities Official Plan would serve as the policy basis for whether a trailer park would be considered a public park. Given that the 42 of the 45 sites are rented seasonally to individuals (residents and non-residents) on a first-right-of-refusal basis, with 3 sites available for transient use, the legal opinion is that the trailer park does **not** conform to the agreement.

This legal finding establishes that the Municipality of Kincardine is **not** in compliance with the agreement and is either a) obliged to bring the use of lots 5 and 6 into conformity with the agreement as a “public Park, garden, or walk”, or b) revert the lots back to the heirs of the family.

If the Municipality wishes to retain lots 5 and 6 the legal advice is that they should make a concerted effort to bring it into conformity over a reasonable period as to show intent to conform to the agreement.

COMMUNITY CONSULTATION

The community consultation exercises revealed three differing views on the future of the site for Trailer Park use. There were proponents who supported the continued use of the site for trailer park purposes, and other proponents who supported more public use or public access to this site, whilst a smaller number were in favour of selling the site and investing the proceeds into revitalization of the waterfront area.

The actual period is at the discretion of Council however the following strategy is proposed based on discussions with staff and legal counsel.

Recommendations for the Bluewater Trailer Park

- **Inform current seasonal renters that the use of lots 5 and 6 are not in conformity with the conveyance agreement from the previous property owners.**
- **Extend the current agreement for an additional three years, providing seasonal renters a three-year period to source other locations to relocate their trailers. The extension agreement should be amended to reflect the following.**

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- I. As seasonal renters begin to relocate over the three-year period, vacated sites should be made available for transient use.
- II. Ensure that there is specific wording in the rental contract between the Contractor and the renters that there is **No Succession Rights** to their rented site beyond that provided within the Term of the prevailing agreement.
- III. The average seasonal rental fee is below market rates for a prime location such as Bluewater Trailer Park. The current amount paid to the Municipality has been a fixed rate of \$33,140 plus HST for the past 5 years. The Municipality should introduce an annual graduated fee to \$40,000 in 2024, \$50,000 in 2025, and \$60,000 in 2026. Alternatively, the Municipality currently receives approximately 36% of gross revenues from annual rentals. Anticipating that there may be a gradual reduction in seasonal rentals over the next three years, the Municipality could consider an annual fee equal to 50% of gross revenues.
- IV. That the Contractor submit a statement of gross revenues and expenses at the end of each year (December 31).
- V. The Contractor submits to the Municipality with an annual schedule of fees charged for each site category.



Image from 1949.



THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE

Subject: BTP Confidential Report.docx

Director: Community Services

Manager: Recreation & Community Programs

Report Number: Parks & Facilities-2023-08

Meeting Date: Wednesday, February 22, 2023

Recommendation:

THAT Committee of the Whole recommend that Council amend By-law 2018-92 for an extension of two years for the purposes of the management of the Bluewater Trailer Park and that expiry be October 21, 2025;

Date to be considered by Council: Wednesday, February 22, 2023

Report Summary:

The Bluewater Trailer Park Agreement is set to expire on October 21, 2023. Staff is recommending an extension of two years of the Agreement to provide sufficient time for Council to determine the future of the said lands.

Origin: October 21, 2023

Existing Policy: N/A.

Background/Analysis:

The Municipality of Kincardine currently has an Agreement with Lisa Stacey for the operations of the Bluewater Trailer Park. Through a competitive process, every 5 years the Trailer Park is tendered to determine a suitable service provider. In 2018, Ms. Stacey was awarded the contract. As per the Agreement the land includes lots 5, 6, 7 and 8, either party has six months' notice if surrendering the lease.

During Covid-19, the operations of the Trailer Park ceased for transient campers and the added burden of construction on Saugeen Street made it difficult for transients to access to campground. Both factors caused considerable hardship to Ms. Stacey and the operations. The

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existing contract is set to expire in October 2023, and Ms. Stacey has reached out to staff to request that council consider an extension. The Bluewater Trail Park has 41 seasonal sites plus 3 transient sites. Each site has 30-amp services as well as water services.

Waterfront Master Plan

The Municipality is embarking on the completion of a Waterfront Master Plan. There are members of the public who feel the future of the Bluewater Trailer Park should be included within the Waterfront Master Plan. While public lands along a waterfront are generally what is in scope for a Waterfront Master Plan, based on staff's experience and expertise, a review of campground would not typically be included in the scope of such a plan, and would be considered through a separate analysis.

History

In 1882 Levi Rightmeyer and his wife Isabella Rightmeyer deeded the former Town of Kincardine the land where the trailer park lies, for the purposes of a public park, garden or walk. Because of this deed, the Municipality may choose to dispute this if it is deemed that the Municipality wishes to sell the land or repurpose it. Any sale of such land should be considered for future parkland upgrades.

Although staff are unsure how long a campground has been located on this site, it is considered land-locked due to surrounding development and therefore no future growth of the camping operations will be able to occur.

Like many small-town lakeside campgrounds, these campgrounds typically pre-date any other additional structured recreational amenities; and were a draw for tourists arriving for the summer seasonal months. It is quite likely these lands were provided for parkland due to a potential deficit of parkland that may not have existed at that time.

Future Use of Property

The land is considered valuable land based on its proximity to the waterfront and could be considered for future development, either private development or future parkland. Alternatively, Council may decide to continue the existing operations as is for the purposes of campground enjoyment.

As such, the decision to re-purpose the lands, will be a decision that will not be made lightly and may take several years to find a resolution. It is therefore Staff's recommendation, that Council consider extending the existing lease 2 years to provide ample time to review the service and determine the outcome.

It is suggested that community engagement, legal advice and long-term planning be considered when determining the future of the said lands. Staff will wait for Council's direction to further seek additional information if required.

Integrated Strategy 2020 – 2025: Goal CW 2

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Financial Implications: Annually, the Municipality of Kincardine receives \$33,000 in revenue from the service provider through the current agreement. If an extension is approved, CPI adjustments for the additional two years would be part of the extension.

Attachments: Bluewater Trailer Park Agreement

Prepared by: Jayne K. Jagelewski, Director of Community Services

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