



**The Clerks
Division**

Memo

To: Council
From: Sarah Brislin, Committee Services Coordinator
C.C.: John Espinosa, Town Clerk
Date: 02/05/2017
Re: RESOLUTION NO. LDSJAHC -2017-0003, 2017-0004, 2017-0005

On April 25, 2017, the Lake Drive Shoreline Jurisdiction Ad-Hoc Committee (LDSJC) reviewed Policy A: Lake Drive Action Plan (Attachment 1) and Policy B: Permitted Uses (Attachment 2) which were put forward by the sub-committee in accordance with their terms of reference. The discussion resulted in the following recommendations:

RESOLUTION NO. LDSJAHC-2017-0003

That Policy A: *Lake Drive Action Plan* with respect to acquisition by purchase or by lease to lake front properties be accepted and recommended to council for approval.

Carried.

RESOLUTION NO. LDSJAHC-2017-0004

That Policy A: *Lake Drive Action Plan* with respect to licensing with respect to road ends and beach association be received and recommended to council for approval.

Carried.

RESOLUTION NO. LDSJAHC-2017-0005

That Policy B: *Permitted Uses* the qualifying be approved by the ad-hoc committee and recommended to council for approval

Carried.

Please note the resolutions provided are from the un-adopted draft minutes.

During the meeting the LDSJC was advised, upon Council's receipt, the recommendations will likely be referred to staff to report on. The Committee was further informed that the various aspects of the policies would likely need to be reported on separately, and that a report back to Council (upon receiving direction) with a workflow that would establish what reports could be expected and when, would most likely be forthcoming.

March 27, 2017

Georgina Lake Drive Shoreline

A Road map to the resolution of ownership, occupancy and responsibility

The Action Plan

A. The Bird's Eye View.

1. The creation of two policies:

POLICY A– deals with acquisition and exclusive use of Qualifying Lands by Eligible Property Owners

POLICY B – addresses permitted uses of all lands including Qualifying lands (somewhat related to Zoning)

B. Policy A: The acquisition and exclusive use of Qualifying Lands by Eligible Property Owners

1. Identify the Qualifying Lands and the Eligible Property Owners

(a) Identify the lands directly abutting Lake Simcoe and located to the north and west of Lake Drive East and Lake Drive North by acquiring or creating maps of all such lands. The completed maps will be used as Schedule A to Policy A to determine which lands are affected by this Policy.

(b) determine which of lands have previously been lawfully conveyed into private ownership or have been captured by MPAC for assessment or for which Eligible Property Owners are already taxed.

(c) determine which of those lands may be owned by the Town and qualify for application of Policy A (the "Qualifying Lands")

(d) attach the map to Policy A to help owners identify the area that is covered by this Policy.

(e) "Eligible Property Owner" means primarily the owners of property across the traveled portion of the road allowance from the Qualifying Lands (the "Tied Lands").

(f) Identify by name, the Eligible Property Owners

(g) Differentiate the Qualifying Lands from amongst all other lands.

(h) Determine, where possible, a uniform perpendicular measurement for untraveled portion of the road allowance (the shoulder), that will not be included in the dimensions of the Qualifying Lands, of 1.5 metres.

(i) Identify specifically by survey the Qualifying Lands through the creation of Reference Plans suitable for Registration. The R-Plans shall identify parts bounded by the lake, the untraveled portion of the road allowance and the straight line extensions from the lot lines existing on the other side of the road. Create and designate the Lake Side Lots. The R-plan would be subject to the caveat that validly deeded lot lines must be acknowledged and recognized.

2. Options Open to Eligible Property Owners seeking Exclusive Use; Process and Cost

- (a) Eligible Property Owners may apply for: (i) ownership and occupation by conveyance, (ii) occupation by lease, or (iii) occupation by license. The terms of any lease or license would be standardized where possible. Eligible Property Owners may decline to apply for any of the foregoing. Licensing would be restricted to road ends, beach associations and similar circumstances with multiple users.
- (b) Non-responsive Eligible Property Owners and those who decline to apply, etc. but continue to use the land or who are unaware of the requirement to respond (out of country land owners, etc.) would have to be otherwise addressed in this Policy A.
- (c) Eligible Property Owners would only be eligible to apply for one Lake Side Lot.
- (d) Applications filed within 45 days of notification will be accompanied by a non-refundable Application Fee of \$500 plus HST payable to the Treasurer, Town of Georgina to cover the cost of the Ref. Plan. Applications filed after the 45th day will be accompanied by a non-refundable Application Fee of \$750 plus HST. The cost would be credited to the transfer if the applicant chose to pursue it after the Lake Side Lot is created. Applicants would be entitled to receive a copy of the R-Plan for which they have paid.
- (e) Additional costs would follow for the conveyance, lease or license to be determined.
- (f) Applicants would be under no obligation to commit to a conveyance, lease or license
- (g) Letters will be sent to relevant Eligible Property Owners to verify boundaries and ask for submission of boundary disputes within a set time period. Legitimate boundary disputes would be considered. Such disputes could range from a claim of existing legal title to a dispute over the location of the boundaries determined by the R-Plan.
- (h) Applicants will acknowledge that the boundaries would ultimately be fixed by R-Plan but the process would be subject to resolution by the Town appointed Surveyor in the event of any boundary line disputes submitted by Eligible Property Owners who have filed applications for the ownership, lease or license of abutting lake Side Lots.
- (i) Letters will be sent to relevant Eligible Property Owners to verify boundaries and ask for submission of boundary disputes within a set time period.
- (j) The options of ownership or lease were the only options available to Eligible Property Owners who did not require licences to accommodate special circumstances such as road ends or unincorporated associations. Licensing would be restricted to road ends, beach associations and similar circumstances with multiple users.
- (k) Once issued, ownership of the Qualifying Lands would be absolute and be tied inseparably to the ownership of the whole of the Tied Lands owned by the Eligible Property Owner and would be transferred with ownership of the Tied Lands. Once issued, a lease of the Qualifying Lands would be assignable only with a transfer of ownership of the Tied Lands owned by the Eligible Property Owner. Subletting of leased Qualifying Lands would not be permitted.
- (l)
- (m) Lease and licenses would be time limited and would be subject to amendment from time to time.

- (n) Lake Side Lots comprising road ends or involving unincorporated associations could be subject to licenses only.
- (o) Applicants would be required to indemnify the Town from any claims arising from the use or occupation of the Lake Side Lots from and after the date of conveyance, lease or license.
- (p) Recognize that this Policy A will not address every single scenario but will capture the general overarching scenarios. A process will be established for Ad-hoc determination of the varying scenarios upon the understanding that this Policy A is not a one-size-fits-all and that with each variation of ownership, assessment or taxation, and with each land mass variation, the application of this Policy A will be modified to address the ultimate purpose of the Policy. Similarly, attention will be given to the needs of associations such as Beach Associations, etc. which might otherwise qualify as Eligible Property Owners.

3. Moving Forward from a Standing Start

(a) Notice to residents

- Deyril to email information notice to members of the Lake Drive Group to advise them of the letter to come from the Town and reminding them to respond to the letter upon receipt and to remind their neighbours to do the same.
- Letters would be mailed by the Town to prospective Eligible Property Owners giving 45 days to respond and to deliver the deposit after which time the deposit would increase.
- Addresses will be pulled from a Town database
- Letters will ask people to declare their interest by requiring people to commit to the purchase of their R-Plan and requiring payment of the deposit.
- The letter would clearly state that the commitment is to the R-Plan only and that the agreement to a conveyance, lease or license would be a secondary issue for a letter decision and payment.
- If people are not interested, there is no need to create an R-Plan of the property.

(b) Implementing the plan

- The first step is to create RFPs (anticipated to take 3 months to complete RFP process).
 - 3 RFPs will be created for R-Plans to be performed
 - Church to Varney
 - Varney to McNeil
 - McNeil to the end of Lake Drive E (Hedge Rd).

- RFPs will include a clause to turn down bids (so Committee can sole source to a cheaper company – determined through the competitive process).

- The Town will need to pass a by-law to declare the Qualifying Lands as surplus lands. This will need to be one of the first steps.
- Standard price for sale will need to be determined, currently \$2/sq.ft.
- Eligible Property Owners agreeing to a conveyance good opt for payment of the purchase price over a 10 year period to which interest charges would apply and payments would be added to the realty tax bill.
- A reasonable cost of survey needs to be determined based upon the RFP and to be included in the letter to the prospective Eligible Property Owners.
- The cost of registering needs to be determined (approx. fee \$500 + disb and HST).
- A payment plan (to be added to tax roll over 10 year period) if possible.

Policy B: Permitted Uses of Qualifying Lands and Other Lands Between Lake Drive and the Lake

- A. Nothing in this policy relieves any person from the obligation to comply with all applicable statutory and regulatory requirements applicable to the Subject Lands including, but not limited to, the Building Code Act, the Ontario Building Code, the Ministry of Natural Resources and the Lake Simcoe Regional Conservation Authority.
- B. Nothing in this Policy prohibits the Town from taking action that it deems necessary to require the removal of, or modification to, any Building or Structure that, in the sole discretion of the Town;
 - (i) presents a danger to the public,
 - (ii) impedes the Town's ordinary operations, or
 - (iii) is not in keeping with the general intent and purpose of this Policy and the applicable zoning bylaw.
- C. A Building or Structure for which approval to construct or install was previously granted by the Town shall not be subject to paragraphs B (ii) or (iii).

1. Definitions

For the purpose of this policy:

- (a) "Building" shall have the same meaning as such term has for the purposes of the Town's Zoning By-law No. 500, as amended.
- (b) "Council" shall mean the Council of The Corporation of the Town of Georgina.
- (c) "Deck" means a structure without walls, constructed on or over land and supported primarily on land and includes portions of the same structure that may partially extend over water.
- (d) "Dock" means a structure without walls, extending along the shore or out from the shore into a body of water, to which boats may be moored and upon which people may stand or sit for a temporary period.
- (e) "Fence" shall mean a physical barrier or structure, including one for noise attenuation, that wholly or partially screens from view, encloses or divides land, and includes any hedge or shrub that has the same effect except that does not include a building as defined by the Building Code Act.
- (f) "Grade" means ground level.
- (g) "Ownership" includes both public and private ownership.

- (h) "Retaining Wall" shall mean a wall that holds back earth or water.
- (i) "Stairs" shall mean a series of steps or flights of steps for passing from one level to another.
- (j) "Structure" shall have the same meaning as such term has for the purposes of the Town's Zoning By-law No. 500, as amended.
- (k) "Subject Lands" means all lands contained within the untraveled portion of the road allowance on Lake Drive North and Lake Drive East that is between the lake and the traveled portion of the road allowance, whether identified as Qualifying Lands or not.
- (l) "Town" shall have the same meaning as such term has for the purposes of the Town's Zoning By-law No. 500, as amended.

2. General

- (a) Except as provided for in this Policy, no person shall construct, repair, renovate or replace a Structure or Fence, in whole or in part, upon the Subject Lands.
- (b) Except as provided in Policy 7 and 8 of this Policy, no person shall carry out any grading works on the Subject Lands.
- (c) No person shall construct, repair, renovate, replace, use, occupy or maintain a Structure or Fence, in whole or in part, within 1.5 metres of the traveled portion of the road upon the Subject Lands.

3. Buildings

- (a) A person may apply to the Director of Operations and Infrastructure or his/her designate for approval to renovate, repair or replace an existing Building that was in existence on the Subject Lands on the date of the passing of this Policy and continued to be in existence to the date of the filing of the application.
- (b) When deciding whether to allow a person to renovate, repair or replace such a Building, the Director of Operations and Infrastructure or his/her designate will consider:
 - (i) any safety and liability issues related to the construction of the Building; and
 - (ii) any other matter deemed relevant by the Director of Operations and Infrastructure or his/her designate, including, consulting with the Chief Building Official on whether a building permit will be required.
- (c) Notwithstanding Policy 3(a), no person shall have a plumbing permit issued pursuant to the *Building Code Act* 1992, S.O. 1992, c.23, as amended, and its regulations and the Town's Building By-law No. 2015-0150 (BU-1) for any Building or Structure located on the Subject Lands.

4. Docks

- (a) A person may construct and install a new Dock that is proposed to be partially built on, over or supported by the Subject Lands of which such person has ownership.
- (b) A person may renovate, repair or replace an existing Dock that is partially built on, over or supported by the Subject Lands of which such person has ownership.

5. Decks and Stairs

- (a) A person may construct and install a new Deck or Stairs that is proposed to be built on, over or supported by the Subject Land of which such person has ownership.
- (b) A person may maintain, renovate, repair or replace an existing Deck or Stairs that is built on, over or supported by the Subject Land of which such person has ownership.

6. Fences

- (a) A person may construct or replace, and install a new Fence that is proposed to be built on the Subject Land of which such person has ownership.
- (b) A person may maintain, renovate or repair an existing Fence that is built on the Subject Lands of which such person has ownership, provided that the height of the Fence as maintained, renovated or repaired shall not exceed the greater of:
 - (i) the height of the said Fence as existed on the date of the passage of this Policy, or
 - (ii) the height limit set out in (c) below.
- (c) A Fence shall only be constructed or installed, so that it:
 - (i) has a maximum height of no more than 1.0 metre above the centreline of the adjacent Lake Drive North or Lake Drive East, as applicable, but in no case may exceed 2.0 metres in height,
 - (ii) has an area of Fence material that is not greater than 50% of the overall vertical plane surface area of the fence.
- (d) The height of a Fence shall be determined by measuring the vertical distance from grade to the top of the fence.

7. Retaining Walls

- (a) A person may construct and install a new Retaining Wall that is proposed to be built on the Subject Lands of which such person has ownership.
- (b) A person may maintain, renovate, repair or replace an existing Retaining Wall that is built on the Subject Lands of which such person has ownership.

8. Regrading

- (a) A person may apply to the Director of Operations and Infrastructure or his/her designate for approval to carry out regrading works on the Subject Lands.
- (b) The Director of Operations and Infrastructure or his/her designate may, in his sole discretion, refuse to permit any regrading works on the Subject Lands if the Director of Operations and Infrastructure or his/her designate is of the opinion that such grading works will:
 - (i) have an adverse impact on the Subject Lands;
 - (ii) have an adverse impact on any abutting lands or existing infrastructure.
- (c) If the Director of Operations and Infrastructure or his/her designate does provide written permission to carry out any regrading works on any part of the Subject Lands, such grading work shall be limited to a maximum slope of 3:1 measured horizontal to vertical on any portion of the Subject Lands, unless otherwise approved by the Director of Operations and Infrastructure or his/her designate.

9. Other

- (a) A person shall apply to the Director of Operations and Infrastructure or his/her designate for approval to renovate, repair or replace an existing Structure not otherwise described in this Policy that was in existence on the date of the passing of this Policy and continued to be in existence on the date of filing the application.
- (b) The Director of Operations and Infrastructure or his/her designate may withhold his/her approval to such renovation, repair or replacement in circumstances where the said structure would no longer, after the date of the said renovation, repair or replacement;
 - (i) be in the same location
 - (ii) occupy the same area of land,
 - (iii) have the same floor area,
 - (iv) have the same use, or
 - (v) have the same height as the said existing Structure.