

THE CORPORATION OF THE TOWNSHIP OF BONNECHERE VALLEY

SCHEDULE "A" TO BY-LAW

Closure and Disposition of Shoreline Road Allowances

POLICIES

The following are general policies that will apply to each Application for Closure of Shoreline Road Allowance. However, each application will be considered on its own merit, as every application may not fit squarely under these policy guidelines.

1. Lands to Be Reserved

- (a) Shore road allowances or any portion of an unopened road allowance on or leading to water that are or will be used for public waterfront recreational uses, public access, emergency access, public travel and portage or other municipal purposes shall be reserved.
- (b) Any portions of a road allowance that contains, abuts, or provides access to significant fish spawning areas, wildlife habitat or other environmentally sensitive features should be reserved.
- (c) The Municipality has the right to reserve easements for drainage over any shore road allowance where it considers it necessary.
- (d) Those portions of a shore road allowance on which significant historical or cultural features have been identified should be reserved.
- (e) Shoreline road allowances in areas where waterfront community development is likely to occur should be reserved.
- (f) The Municipality retains the right to reserve any portion of a shore road allowance where it is considered appropriate to do so in the public interest in order to guarantee access to the waterfront and/or any abutting property.

2. Lands Which May Be Sold with Municipal Consent

- (a) Shoreline road allowances may be closed by the municipality and sold to the abutting landowner only when it has been determined that;
 - (i) the closing will not result in any other landowner having motor vehicle access to and from the owner's land of access, and
 - (ii) there will remain suitable alternative public access to the waterfront.
- (b) Only that portion of the road allowance above the natural or regulated high water mark may be sold.
- (c) Lands that are subject to flooding or other hazards may be sold. However, any construction or placement of fill on these lands will be subject to the approval of the Conservation Authority and/or the Ministry of Natural Resources.
- (d) The decision by the municipality to permanently close and convey a shore road allowance to the abutting landowner(s) shall not be construed as permission by the municipality for the land owner to use the shore road allowance for any use except such use as may be permitted by the municipality's zoning by-law.
- (e) Where a shoreline road allowance has been occupied or where there is a public road or road allowance separating a landowner's property from the shoreline road allowance, the Municipality, will consider leasing the road allowance to that person on such terms and conditions as the Municipality considers advisable.

- (f) The Municipality can declare another property owner other than the abutting property owner for the purpose of this By-Law if they decide it necessary to resolve an issue to a privately deeded property.

3. Purchase of Shoreline Road Allowances

- (a) In determining the area to be closed and sold, the property boundaries should be drawn from the ends of the present lot line perpendicular to the shore and not be extending the lot lines. Where this creates hardship for an abutting owner, the lot lines shall be determined by the municipality in consultation with the affected abutting landowners; provided that the decision of the municipality shall not result in an abutting landowner being denied a means of access to the shoreline.
- (b) The shoreline road allowance will be sold at the rate of \$3.00 per linear foot, measured along the high water mark.
- (c) Each application for a bylaw authorizing the permanent closing and transfer of a shore road allowance shall be accompanied by a deposit on account of the municipality's costs. Prior to receiving a deed from the municipality for the shore road allowance, the applicant shall pay the balance in full of all costs and expenses incurred by the municipality.
- (d) Any by-law permanently closing a shore road allowance is subject to the consent of the Government of Canada if the shore road allowance
 - (i) abuts on land, including land covered by water, owned by the Crown in right of Canada; or
 - (ii) leads to or abuts on a bridge, wharf, dock, quay or other work owned by the Crown in right of Canada.
- (e) In all other respects, the decision by Council to pass a by-law to permanently close a shore road allowance and sell it to the abutting land owner shall be carried out in accordance with the
 - (i) the procedural requirements for closing road allowances as set out in section 34 of the *Municipal Act, 2001*, and
 - (ii) the procedural requirements for the disposal of surplus land as set out in section 268 of the *Municipal Act, 2001*.

4. Criteria for Purchase Where Cottage Constructed on Shoreline Road Allowance Where The Allowance Is Separated From The Abutting Property By A Municipal Road

- a. Preparation of a site plan showing the location and accurate dimensions of the existing and proposed septic system, existing and proposed water supply, the existing cottage (dwelling) and any proposed renovations, existing and proposed drainage, existing setback distances from Lake and the proposed property lines. In order to ensure accuracy, the site plan should be prepared by an Ontario Land Surveyor (OLS).
- b. Compliance with the Township's Comprehensive Zoning By-law No. 2006-28. An application for zoning by-law amendment will need to be filed to recognize those site conditions which will not comply with the Township's Zoning By-law following the conveyance of the Road Allowance. Where an existing lot is located on the opposite side of the road from the shoreline road allowance being purchased, a special provision shall be included in the zoning for the property to assist in tying the two parcels together for the purposes of implementing the provisions of the Zoning By-Law and to restrict the use of the back lot for an additional dwelling.
- c. As a condition of sale, the applicant will be required to enter into a shoreline alteration agreement to ensure that existing vegetation is retained within the 30 metre setback area from water and the shoreline is protected.
- d. As a condition of sale, the agreement to be entered into between the Owner and the Township should include a clause wherein the Owner agrees to save harmless and indemnify the Municipality from any environmental liability resulting from the property.
- e. All applications shall be reviewed by the Township's Public Works Superintendent to ensure that there will be adequate lands held by the Township to provide for any future road needs. In cases where the applicant owns lands on the opposite side of the road, an exchange of lands may be required from the applicant's existing lot for road widening purposes.
- f. Where the applicant owns land on the opposite side of the road from the portion of shoreline road allowance to be purchased, a covenant will be placed on the title of both lands to ensure that one parcel cannot be conveyed without the other.

THE CORPORATION OF THE TOWNSHIP OF BONNECHERE VALLEY

SCHEDULE "B" TO BY-LAW

Closure of Disposition of Shoreline Road Allowance

PROCEDURES

1. Applicants will complete the application for shoreline road allowance closing for the Township of Bonnechere Valley. The registered owner(s) of the property abutting the shore road allowance must sign the application unless written authorization to allow someone else to sign the application is attached.
2. The application must be completed in duplicate and the attached sketch must illustrate full particulars of the proposed shoreline road allowance closing, including the location of the access to the property, other roads in the area, other shoreline road allowance closings adjacent to or within the vicinity of the road allowance to be closed, and the location of all buildings and other structures on the applicant's property and the shore line road allowance to be closed.
3. A copy of the applicant's deed for the abutting property shall be attached to the application, if requested by the municipality.
4. The sketch must indicate with reasonable accuracy the lot lines, dimensions and present access to the property. If a Reference Plan is available, it should be used in lieu of a sketch. Outline on the sketch or plan the area of shoreline for which the application is being made.
5. The application must be accompanied by a cheque or money order for \$150.00 payable to the Township of Bonnechere Valley as a non-refundable fee required for the processing of the application and setting up of the file.
6. Upon receipt of the application, the Municipality will notify Bell Canada and Hydro One, if applicable, the Government of Canada and any other relevant agencies, and may conduct a field inspection of the property and shoreline, if necessary.
7. Prior to passing a by-law Council will give notice of its intention to declare the land surplus and to pass the by-law authorizing the permanent closing and transfer of the shore road allowance. The Notice will be published in a local newspaper for four consecutive weeks, will specify the date and time at which Council will consider the matter, and will advise the public that if any person has any reason to believe that the closing of the road allowance will result in the person having no motor vehicle access to the person's property, the person must either appear before Council or notify Council in writing on or before that date.
8. If Council decides to approve the by-law, Council shall give the by-law first and second reading only. Prior to Council giving the by-law third and final reading, the applicant must deliver a Reference Plan of Survey satisfactory to the municipality for the portion of the road allowance to be closed together with payment of the balance of the municipality's anticipated administrative and legal costs necessary to complete the matter.
9. Upon the bylaw being passed, the Municipal Solicitor shall be instructed to prepare the deed for the conveyance of the shoreline road allowance from the Municipality to the applicant in the name or names as noted in the deed to the abutting land, which deed the Mayor and Clerk shall be authorized by the by-law to sign under corporate seal and deliver to the applicant for registration.

