

## Joint Proposal to City of Orillia on the Use of the Forest Avenue Road Allowance from GIPOA, [REDACTED]

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This document sets out the terms and conditions that the Grape Island Property Owners Association (hereafter GIPOA), [REDACTED] propose to the City of Orillia incorporate in an Official Policy outlining allowed uses of the Forest Avenue Road Allowance, City of Orillia public property, between Victoria Crescent and the shore line, and the City's waterlot at the foot of Forest Avenue.

### Current Situation

GIPOA, for over 67 years, has accessed Grape Island from the mainland using a dock located on the waterlot at the foot of the Forest Avenue Road Allowance. The [REDACTED] for over 56 years have located their dock on the waterlot at the foot of the Forest Avenue road allowance, which is adjacent to their property.

Currently there is a City of Orillia, General Government Policy (1.6.1.1) relating to the GIPOA use of the Forest Avenue Road Allowance. This Policy states:

*THAT the property owners of Grape Island be permitted each year to erect a temporary dock at the foot of Forest Avenue on the Town Waterlot, with such dock to be removed on or about September 1st.*

No policy exists regarding the [REDACTED] annual placement of a temporary dock at the foot of the Forest Avenue road allowance on the City Waterlot. However, the [REDACTED] have for many years located their dock on this City Waterlot. The [REDACTED] applied for a Licence of Occupation in 2016. The issuing of the licence has been delayed because of zoning by-law infringements and resolution of matters of mutual interest between the [REDACTED] and the GIPOA.

Historically GIPOA, [REDACTED] have coexisted as mutual users of the Forest Avenue Road Allowance and the Waterlot. Relations among the parties have been neighbourly, courteous and mutually beneficial.

More recently relations among the parties have become somewhat strained as the GIPOA use of the Road Allowance has increased due to the natural growth of seasonal cottages and permanent homes being built on the island, which is characteristic of waterfront properties throughout Orillia. This evolution has resulted in increased boat and barging traffic to service Grape Island and city mainland properties. As part of the evolution of growth, more and more people are making Grape Island their permanent residence and as such require year-round access by the use of alternative modes of transportation.

Complaints to the city by both parties resulted in the city identifying infringement of zoning bylaws of the current Grape Island and [REDACTED] docks and the use of the road allowance for barge loading and docking. All parties believe that the use of the Forest Avenue Road Allowance requires review and development of a revised policy framework to meet this evolutionary growth.

This document is the product of a series of meeting amongst the parties to identify and agree upon rules and regulations that they propose to be incorporated into the City's Policy on the uses of the Forest Avenue Road Allowance and Waterlot.

All parties acknowledge that the rules and regulations provide only a framework for use of the Road Allowance and Waterlot. It is common courtesy, a display of accommodations and good will by all parties that will make the policy benefit all.

## Suggested Policy Rules and Regulations

### Use of the Forest Avenue Road Allowance by GIPOA

- It is acknowledged that the Grape Island residents historically have used the Forest Avenue Road Allowance and Waterlot for access to the island for 67 years.
- GIPOA will obtain a License of Occupancy or Lease from the City of Orillia for the placement of a temporary dock on the city's Waterlot at the foot of Forest Avenue.
- One dock is allowed, paid for and maintained by GIPOA.
- The dock will be the maximum length of 100 feet or as allowed by senior levels of government regulation, be located 4.5 meters within the boundaries of the waterlot as permitted by City Bylaws (or as modified by a minor variance or amendment).
- The dock will be anchored to the front of the cement pier at the south end rather than beside the cement pier as is it is currently.
- Width of a new dock shall not be more than 3 meters to allow for safe access to boats by passengers and safe navigation to and from the dock.
- The temporary dock will be put into place anytime after May 1 of each year and removed on or before November 30 of each year.
- Boats may be moored at the dock and left unattended during day and evening hours.
- Boats are prohibited from mooring between 12am and 6am (no overnight mooring.)
- Boats moored on the north side of the dock (adjacent to [REDACTED] property) will be moored perpendicular to the dock tied with a bowline to the dock and a stern anchor placed so as to reduce the potential for boats from swinging and banging.

- GIPOA will ensure that boats moored on the north side of the dock will be removed during time periods when the Forest Avenue road allowance is being used for barge operations.
- Boats moored on the south side of the dock (adjacent to the [REDACTED] property) will be moored horizontally to the dock and secured with both a bow and stern line tied to the dock.
- A designated mooring space on the south side of the dock of a minimum of 6 meters will be maintained for pickup/drop-off and emergency access. Only boats with operators on board may use this dedicated space.
- No storage of boats, materials, supplies, docks or boat lifts/ramps/railways will be allowed between Victoria Crescent and the foot of the Forest Avenue Road Allowance at the lake.
- The potential of a permanent Grape Island dock will be considered by the City of Orillia upon request. This request likely will require a change in the Official Policy related to the use of the Forest Avenue road allowance and waterlot. Any change in Policy for a permanent dock will be negotiated between GIPOA and the City with full disclosure of agreed to changes provided to [REDACTED]
- GIPOA will adhere to any Policy established by the City of Orillia for the use of Forest Avenue Road Allowance and Waterlot used by Grape Island.
- GIPOA will inform all island members of these policies, monitor residents' adherence to the policies and remind residents if and when needed policies are not being followed.

#### Use of the Forest Avenue Road Allowance by the [REDACTED]

- It is acknowledged that the [REDACTED] historically have used the Forest Avenue Road Allowance and Waterlot for their private docking purposes for 56 years.
- [REDACTED] will obtain a License of Occupancy from the City of Orillia for the placement of a dock and boatlift in the Forest Avenue Waterlot.
- One temporary dock is allowed commencing from the current location at the bottom of the [REDACTED] existing shoreline stairs and the opposite end of this dock will be swung to the south and placed no closer than 4.5 meters from the extension of the property line between the [REDACTED] property and their neighbour immediately to the south.
- \* The boatlift will be located adjacent to the dock allowing for so as to not interfere with navigation to and from the Grape Island dock.
- The temporary dock will be put into place anytime after May 1 of each year and removed on or before November 30 of each year.

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### Emergency Access to Grape Island

- Emergency services include: fire, EMS, septic systems repairs, e.g., emergency pump outs, heating fuel, hydro, police and storm damage
- GIPOA dock will be available on a 24 hour basis for use of emergency services, water condition permitting.
- Emergency use of barge will be allowed on a 24-hour basis, water conditions permitting.
- City of Orillia will be notified within 24 hours of emergency barge access.

### All Other Barge Access, save and except emergency barge access, using Forest Avenue Road Allowance

- Commercial barge access using Forest Avenue road allowance is currently not a permitted use by city zoning bylaw.
- Commercial uses of city properties currently are restricted to automotive dealers for boulevard parking and restaurant patios.
- Commercial barge operators will be required to negotiate the use of the Forest Avenue road allowance and watelot for barge operation with the City of Orillia.
- The following conditions should be incorporated into a policy for continued commercial barging off the Forest Avenue road allowance. to address the concerns of the mainland residents while considering the evolving increase to essential services to Grape Island:
  - Barge access, water conditions permitting, should be between the hours of 7:00 am and 10:00 pm.
  - No weekend barge access
  - No staging of materials and supplies is allowed on the Forest Avenue Road Allowance
  - No service vehicles, e.g., tractors, dump tucks, building supply vehicles allowed to park on the Forest Avenue road allowance. Vehicles may use the Grape Island Parking Lot while waiting for barge access.
  - No overnight mooring of barges at the Forest Avenue Road Allowance
  - Commercial barge operations on the Forest Avenue road allowance should be restricted to servicing properties on Grape Island and waterfront properties in the City of Orillia on Lake Simcoe.

### Winter Access for GIPOA

- GIPOA has access their to homes and cottages from the Forest Avenue Road Allowance year-round.
- \* Snow machines <sup>including air boats</sup> of all types must not infringe on the abutting properties at the end of the Forest Avenue Road Allowance.
- Snow machines of any type and sleighs can park on the unploughed portion of the Forest Avenue Road Allowance and on the ice over Lake Simcoe.

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- GIPOA will install signage to direct snow machines away from abutting properties and onto allowed areas of city owned property.
- [REDACTED] Head start Construction a barge operator, has offered to provide a diagram of proposed modifications to the current shorewall at the foot of Forest Avenue, which will better accommodate barge access (emergency and commercial), reduce noise and disruption while loading barges and better accommodate shoulder season access by airboats.

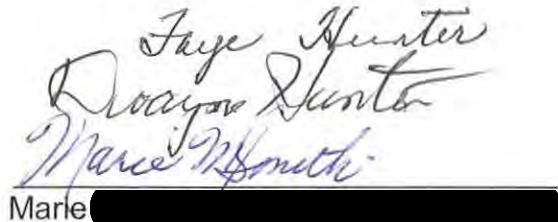
The residents of GIPOA, [REDACTED] agree and acknowledge that the City of Orillia owns the Forest Avenue Road Allowance and Waterlot and that City of Orillia Zoning Bylaws and Policies govern the use of these city properties.

The parties of this proposal also acknowledge that changes will be required to City of Orillia Zoning Bylaws, either through obtaining minor variance or Bylaw amendments for current and proposed dock locations and uses of the Forest Avenue Road Allowance and Waterlot. They recognize that obtaining these modifications to current Zoning Bylaws require time and is subject to appeal. The parties further acknowledge that the Council of the City of Orillia will receive, debate and determine the Policy governing the use of the Forest Avenue Road Allowance and Waterlot.

The parties acknowledge that the placement of structures over the City's waterlot will require the preparation of a survey prepared by the parties that demonstrates the parties have complied with the terms and conditions of any Licenses of Occupancy, Leases, Minor Variance and/or Zoning By-Law amendments related to the implementation of the Policy on the future uses of Forest Avenue road allowance waterlot.

Signed this date June 21, 2017

  
GIPOA

  
Marie [REDACTED]