



L A K E W A S E O S A R A T E P A Y E R S ' A S S O C I A T I O N

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c / o 21 Cottage Lane, RR# 3
HUNTSVILLE, ONTARIO
CANADA
P1H 2J4

6 January 2019

Town of Huntsville
Development Services Committee
Huntsville, Ontario Sent via: planning@huntsville.ca

Re: REZONING APPLICATION No. Z/66/2018/HTE (Ball/ Gailits, Rowland) and the related application B/76/2018/HTE (Ball, Gailits, Rowland)

We are writing to express our deep concerns about the suggestion that Treasure Island in Lake Waseosa be re-zoned from a Conservation Holding (C-H) Zone to a Shoreline Residential Five (SR5) Zone. As you know, the Lake Waseosa Ratepayers' Association, which represents landowners on four lakes including Lake Waseosa, did not receive notice of these applications until 2 January 2019. Hence we will not be able to make as full a response as we would have liked because of the necessity of getting this to you by Monday 7 January. We hope to be given the opportunity to speak to our concerns at your meeting scheduled for 16 January 2019. We request that we be notified of any and all meetings, changes, or decisions related to these matters.

To understand our concern, one needs to know something about Lake Waseosa. As we show in our Lake Plan (submitted formally to the Town in January 2016), Lake Waseosa is already over-developed, according to standards developed by the Ontario Ministry of Natural Resources. This calculation takes into account not only the number of houses and the surface area of the lake but also the shape of the lake. (This calculation lots counts Camp Huronda, a camp for diabetic children situated on Lake Waseosa, as one ordinary property). In addition, a boating study carried out for the association (also described in detail in that document) concluded that Lake Waseosa is already over-capacity for boating purposes.

Lake Waseosa has three islands (none with residences). One small island at the south end of the lake is privately owned. Another, "Blueberry Island" near Treasure Island is crown land. In the past it was used regularly (e.g., as a camping site) and had deteriorated

considerably. This association invested money and substantial amount of time first getting permission to try to restore it, and, more importantly, convincing the community to limit its use. Slowly, the natural growth is returning. But there has been near universal desistance in using this island for any purpose since the Lake Waseosa community sees the common value of having natural, undeveloped, islands in the lake. The third island is Treasure Island.

Treasure Island is, of course, currently zoned as “Conservation Holding” which, as we understand it, means that it is to be maintained in its natural state. It is understood by our community that it is privately held. Our understanding is that the Town and District tax it at a lower rate because it is undeveloped/natural land.

In the development of the current zoning by-law and in assigning the zoning designation for each piece of and in the Town, there was obviously some disagreement about the zoning categories of some pieces of land. Our understanding is that the designation of Treasure Island as “Conservation” was not disputed by the landowners or by anyone else. Said differently, no attempt was made by the owners at that time to designate it as ‘shoreline residential.’

Treasure Island was appropriately designated as “Conservation” land. It is not public land, meaning that those of us who do not own it cannot use it or venture onto the island without permission.

But everyone on the lake has an interest in what happens in our neighbourhood. And this island is part of the neighbourhood of everyone on this lake. This, we respectfully submit, is what zoning is all about. Changes in zoning do not, and should not, take place, simply because a landowner wishes a new designation. The idea of zoning is to give predictability to land use and to ensure that those in the neighbourhood (in this case, all of those on Lake Waseosa) are not at the whim of individual landowners.

Changing the use of Treasure Island would undermine the purposes of the current zoning outlined in Subsection 3.1.6 of the Huntsville Official Plan. It is worth noting, in this context, that Section 3.1.12 notes that there will be cases where the impact of a proposal (such as this one) cannot be sufficiently reduced and in such cases uses may be limited to conservation. We believe that these sections describe the importance of Treasure Island to the larger community.

Implicit in the application is the suggestion that there will be no special problems in building residences on Treasure Island. The applicant has drawn rectangles on the map suggesting possible locations for buildings. These are, of course, impossible for us – or for the town – to verify. Setting aside practical issues like the servicing of septic systems on the island, we have serious concerns about whether the island is appropriate for housing. It is easy to assert that there are places where houses could be placed where there is adequate soil depth for septic beds, but we have no idea whether this is possible. Similarly, it is easy to suggest that there will be minimal impact on the shoreline and that normal setbacks and limitations about clearing the waterfront will be followed, but no plans are provided on exactly how this would be done on this island.

Hence we strongly oppose the idea that rezoning should take place ‘on the assumption’ that development can take place consistent with development standards on this lake and in other shoreline developments. In this context, for example, we note that much of the island has slopes of over 20% with a non-trivial amount of 40% gradient slopes. We realize that building is allowed take place on steep slopes, though obviously the impact of the development may be larger. Indeed, the slopes leading to the proposed docking area of the western lot is over 40% and the one for the eastern lot is >20%. These facts raise issues about the impact of development. If these matters were to be left until ‘after’ rezoning, it is quite possible that the next stage of approval would be of the form: “Huntsville has allowed the creation of these shoreline residential lots. It must then approve ‘minor’ variances that will allow dwellings to be built.” What might be deemed to be a ‘minor variance’ could dramatically change the nature of Treasure Island.

Finally, we believe it is important for the Town to be realistic. The current proposal is to create two new “existing” shoreline residential lots zoned as SR5. If the Town were to do this, it is predictable that the Town can expect to see an application, in due course, to divide the western lot into smaller lots. After all, that lot has an estimated 9.2 hectares has considerable frontage. Essentially this would mean that starting this process could, almost certainly, mean that the western lot could be subdivided into about nine SR-3 lots. We raise this issue now because once the Town allows Treasure Island to be zoned as shoreline residential, we will no longer be talking about “just two” houses on the island. Essentially this possibility reminds us of why the island was originally zoned as “Conservation.”

In conclusion, the designation of Treasure Island as “Conservation” was appropriate at the time that the designation was made. There is no public interest in changing this designation. We assume that we do not need to remind Council that zoning restrictions are imposed for the public good, not for the benefit of those who want to develop a particular parcel of land.

The proposed access point on the mainland.

We realize that there are two related applications. The first is the application to change the zoning of the Island. The second application would provide a form of access to Treasure Island. The problem that we have in limiting our discussion only to the zoning of Treasure Island is that if the Town were to agree to rezone Treasure Island, the argument could be made that the Town was then under an obligation to provide some formal access to these newly created waterfront lots. In other words, approving the application for rezoning of Treasure Island would imply that the Town should help the landowner find some way for the owners of it to gain access to their ‘new’ residential lots. Hence from our perspective, it is difficult, if not impossible, to separate these matters.

Essentially, we are suggesting that reasonable access to these potential lots must be settled as part of any proposal for rezoning of the island. At this point, we have a number of concerns about the proposals for the application related to access to Treasure Island.

First of all, adjacent and nearby landowners had no reason to expect that there would be a change in the use of land abutting (or near) their own properties. Setbacks (e.g., for docks) are required for a purpose – to protect adjoining landowners. There is no pressing need to violate setbacks. Though we obviously oppose the rezoning of Treasure Island, it is worth pointing out that there may well be other locations on the lake that could be used for access to Treasure Island.

In addition to providing boat and automobile parking for the island lots, the proposal seems to be providing for a third residence in the parking area, though this is not clear.

At the waterfront, the proposed right-of-way is very confusing. It is not clear what is being requested. Is this an existing right-of-way servicing other lots? Did all property owners over which the right-of-way crosses give their consent to this expanded use? If not, this should end discussion of this change of use. For example, just because 207 West Waseosa has a deeded right of way to 143 West Waseosa does not mean they can unilaterally expand that use to permit deeded access by 100 and 200 Treasure Island without consent of all of the relevant property owners.

The Official Plan (OP) section 8.4, and particularly subsection 8.4.6, address waterfront landing requirements. Of note, the property must have adequate area and frontage and be suitable for the use. And significantly, "generous side yards shall be maintained". This would seem to argue specifically against allowing a reduced side yard setback.

Similarly, OP subsection 8.3.4 mandates a maximum shoreline activity area (which includes access for launching boats) to a maximum of 25% of the shoreline frontage. While a specific figure is not provided, the sketch seems to indicate approximately 50% of the shoreline would be devoted to boat launching. Simply put, this violates the OP.

Also, bearing in mind that the sketch is just a sketch, the angle of the dock as shown on the sketch does not directly follow the property line, and therefore the eastern end intrudes even further into the projected side yard setback.

Any of the permitted uses require a minimum lot area of 1 hectare (2.5 acres). Hence even if Waterfront Landing was a listed permitted use, that property appears to be too small. As it stands, the only permitted use of that property is "Dwelling, single detached".

Said differently, the proposal for access to Treasure Island inadequate and violates reasonable expectations of nearby landowners.

Conclusion.

Neither of these proposals is sufficiently developed to allow the Town to approve them with an assurance that everyone understands what is being approved. At a minimum, before the rezoning can take place, a full assessment by a third party of the appropriateness of Treasure Island for residential development needs to be made. Such an assessment is necessary but not, we believe, sufficient: Treasure Island has been designated for many years as “Conservation” for good reason: its undeveloped nature is a key feature of Lake Waseosa.

There are many unanswered questions about the access point on the west side of the lake. They need not be repeated here, but an adequate proposal for access to the lake that does not encroach on neighbours must be part of any rezoning application. The current proposal is not adequate.

Finally, we are not convinced that we can communicate to you the central importance of an unspoiled and undeveloped Treasure Island to the Lake Waseosa Community. As already noted, by objective standards, Lake Waseosa is already over-developed. This ‘conservation’ area is the one substantial undeveloped property enjoyed (without entering the private land) by all residents of the Lake.

We urge you, therefore, to maintain the zoning of this land as it is and to ensure that any new proposals made to create access to the lake be made within the limits of the official plan and the zoning bylaw.

A handwritten signature in black ink, appearing to read "Ar. Dook".

for the
Lake Waseosa Ratepayers' Association