



September 28, 2010

To the ratepayers and  
residents of Palette  
Lake and environs as  
well as other interested  
parties

*Please forward to all parties who may find this a matter of interest*

To whom it may concern;

**Re: Z/29/2010/HTE, B/38/2010/HTE (Reynolds) on Palette Lake**

There has been a strong response to the above noted application, with a significant proportion of the concerns being directed at either: 1) the creation of additional lots; and/or, 2) the introduction of new uncharacteristic lot standards in the zoning. We feel it is important to the congenial atmosphere of the community to set the record straight on the miscommunication.

The application does not involve the creation of a new developable lot. It involves a lot addition from one existing lot to another existing lot. To my knowledge the subject lands are in fact one of only two existing vacant residential waterfront lots on Palette Lake, according to the Lake Waseosa Lake Plan. As an existing lot it has existing development rights.

Furthermore, the lot standards proposed by Rezoning are not unique or unexpected. The rezoning has two parts: First, changes to the shape of an SR5 lot require rezoning to recognise the change to what "exists on the date of the passing of this By-law". A rezoning is necessary for any SR5 lot that undergoes lot fabric changes.

Secondly, the rezoning recognises the existing 51(26) Agreement with the Town of Huntsville (dated Dec. 20, 2007). The agreement requires the owner to meet the recommendations of a report by Michalski Nielsen Associates pursuant to the consent process for B/01/2005 HTE. In respect to development on the property the agreement includes:

- A permitted 20m setback from shore;
- A permitted 9m setback from the bog area; and,
- A development envelope identified in a schedule to the agreement.

When the new Zoning By-Law came into force and effect, these agreed upon standards were not respected as exceptions, in the blanket rezoning that occurred. This oversight was a result of a predictable limit to the capacity of staff to address every property during the drafting of the By-law. Such oversight should not be retroactively confused with good planning principles.

As noted, these setbacks were based on the environmental review of the property by a qualified environmental consultation firm, and were considered acceptable to the Town in perpetuity. The second part of the rezoning process is to ensure that these agreed upon standards are properly entered into the By-Law.

We respect the efforts of the Lake Waseosa Ratepayer's Association, and the many other individuals not represented by the association, in labouring for lake quality in the Zoning and Official Plan. Nevertheless, the SR5 zone was put in place without respect for existing legal rights. Those existing rights were- and are- also compatible with the intent of the Official Plan. It is in part because of blanket zoning, such as the SR5 zone, that amendments to the zoning by-law are necessary and appropriate.

To reassure the waterfront community, the proposal involves no additional development potential that doesn't already exist or hasn't already been agreed to.

The misunderstanding is quite natural given that Fred had at one point been interested in three lots on these subject lands. This ultimate effect of this process is simply to shift the bulk of property from the vacant lot to the family's lands and recognise the existing siting agreement.

If anyone would like further clarification, we'd be more than happy to speak further to these or other issues.

Yours truly

WAYNE SIMPSON & ASSOCIATES



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Planner