

Submissions from the Lake Waseosa Ratepayers' Association on the
Proposed Development of Treasure Island, Lake Waseosa
11 September 2019- 9 am

Good afternoon. My name is Tony Doob. I am here representing the Lake Waseosa Ratepayers' Association.

Treasure Island is, as you now know, a dominant feature of the landscape of Lake Waseosa. Hence everyone on the lake has a stake in what you are being asked to decide. Judged by its surface area and number of homes, our lake is already over-developed. We touched on these issues in our written submission.

I'd like to start by making an obvious and important point. We are talking here about zoning. Zoning is imposed on property not for the benefit of the specific owner of the property but for the benefit of the community more generally. If I were to purchase a piece of property in a residential neighbourhood and the adjoining undeveloped properties were zoned residential, I could expect that eventually homes would be built on them. It would be reasonable to expect that they would not be rezoned for industrial purposes. I would hope that if you were asked to rezone a piece of residential land into an industrial site, you wouldn't give much weight to the suggestion that the Town should not interfere with the landowners' right to use the land as they wish.

Simply put: the purpose of zoning is to control the orderly and predictable development of land.

Remember, we are talking about the single most prominent land feature in the lake. Furthermore, the land has been zoned 'Conservation' for many years. Indeed, if you look back to the years before the current zoning was established, development would not have been allowed on Treasure Island for other reasons. From the 1970s until the zoning was changed to Conservation, development would not have been allowed¹ under the existing bylaws because the proposal would have been for a 'water access' property on a lake that did not have – and still does not have -- a marina. When it was changed, in the mid-2000s to "Conservation holding" the prohibition continued, though obviously for different reasons.

So let's be clear on this: this is a piece of land that has not been available for development for many decades.

The current owners claim that they weren't aware of its zoning classification. We have no way of challenging their belief. But please remember, we have no knowledge of what the then owner of the land knew when the current 'conservation' zoning was established. The current owners were not owners of the land at that time.

More to the point, the western part of the island was purchased by the current owners very recently. Clearly at the time of their purchase, they knew or ought to have known that the land was zoned

¹ Bylaw 748-8

“conservation holding.” They purchased land zoned as “conservation holding” and now want to change it.

My point is a simple one. These properties have been zoned ‘conservation holding’ for a purpose that a previous council of the Town of Huntsville legitimately accepted. We have not been able to find any records that suggest that the ‘conservation’ zoning was, until 2018, ever challenged.

The assessed value of the larger lot with 3150 feet of frontage is only slightly more than the listed sale price of normal size lots – with only a bit over 200 feet of frontage -- on the lake. It was easy to figure out that there was something special about the zoning of these lots. They were zoned ‘conservation’.

I don’t need to remind you, I’m sure, that much of Huntsville’s deserved reputation as a Town is that it is beautiful and the Town values and maintains its natural surroundings. These are given priority for a good reason: we all benefit from the knowledge that you, the Council of the Town of Huntsville, give priority to the long-term community interests of those you represent.

To understand the importance of Treasure Island to the residents of Lake Waseosa, you have to remember that this landmark towers above the lake surface. It truly dominates the entire lake. It is visible from a very high proportion of the residences on this lake.

This is a proposal that could change the experience of a high portion of the residents of Lake Waseosa. And, it would send a message much more broadly than to just the residents of Lake Waseosa about what is – and what is not - valued in Huntsville.

On a related issue, we believe it is important for the Town to be realistic about what the implications are of approving the current proposal. The current proposal is to create two new “existing” shoreline residential lots.

If the Town were to do this, it is entirely predictable that the Town can expect to see an application, in due course, from new owners to divide the large eastern lot into smaller lots. After all, that lot has an estimated 9.2 hectares with 3150 feet of frontage. Essentially this would mean that shifting the zoning from Conservation to SR-5 could, almost certainly, mean that the eastern lot could be subdivided into at least 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 their application for rezoning, the applicants suggest that the current Official Plan provides sufficient protection. Specifically, they quote two sections² and then cite 10 different ways in which they believe³ the design of the actual development could minimize harm.

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What is interesting about the 10 things that are listed is that none of them would be made specific in any actual rezoning. We have already pointed out that once this land is rezoned, there is almost nothing that could logically stop further sub-division, given the size of the lots and the frontage. But furthermore, neither the details of development nor the enforcement of these principles – is a public process.

Remember: the owners of Treasure Island are quite clear that they are not, themselves, planning on developing the Island. Were this proposal to be approved, the development of the Island would be done by people who, themselves, did not even participate in this debate.

Furthermore, to be fair to Town staff, Huntsville staff do not have the resources to determine whether each of these 10 principles is followed when the actual site plan is approved and implemented. Those of us who travel around Lake Waseosa are only too aware of recent changes that have been made to the waterfront, apparently in violation of site plan agreements, that have not been remediated.

But let's remember a simple fact: we, the community that would be living with the consequences of development, do not have any say in the actual details of the development. Indeed, we don't have access to the details of what might eventually be approved. Though we have been told by Town staff that they cannot police development as it takes place, and that they must rely on the community to bring violations to their attention, we aren't even given the details of what has been approved.

In other words, to be realistic, the proposal as it stands does not bind the eventual owners to develop Treasure Island in a manner that is consistent with what is contemplated under the official plan⁴.

The assertions contained in the proposal are not, quite frankly, enforceable.

How could the town enforce the requirement that the eventual owners and developers of Treasure

Island follow the principle that⁵

- a) the natural landscape should prevail with built form blending into that landscape and shoreline;

Section 3.1.4 states; "Important scenic sites as well as the scenic character of road, pedestrian, river, lake, boating and portage routes should be preserved and development should occur in a manner that maintains those scenic values."

Section 8.3.2 states; "The following design principles will be adhered to for development in the Waterfront, as appropriate for the specific use and the area:

³ , under Section 8.3.2

⁴ sections 3.1.4 or Section 8.3.2

⁵ Section 8.3.2:

- a) the natural landscape should prevail with built form blending into that landscape and shoreline;

The rezoning of these two lots would not require, in advance, a determination that all of the conditions listed by the applicants even could be followed.

There have been attempts by the Waseosa community, prior to today's meeting, to engage the current owners in a discussion about how further development could be limited or avoided on Treasure Island. For example, the suggestion was made by one member of the Town council that we explore the possibility of purchasing the land from the current owners.

We in the association have been unable to get the owners to respond to alternative approaches. These could include purchase of the land for the purpose of maintaining it, in perpetuity, as conservation land. Their view appears to be that they do not want to talk about alternatives until they determine whether their attempt to change the zoning is successful.

That is, of course, their right.

In addition, at a meeting held this past May by the owners of Treasure Island, there were discussions about how development might be limited to the proposed two dwellings on the island. There was no indication that the owners were at all interested in restricting development on Treasure Island to two homes.

No restrictions on further development are even contemplated in the proposal that is before you.

In our written submission, we have outlined some very clear problems **with the proposed landing** on the east side of Lake Waseosa. We find it disturbing that the applicants are proposing a landing that clearly does not conform to zoning rules in terms of setbacks of parking from the shore of the lake. We also suspect that the details of the proposed landing betray the applicants' desire to enable further subdivision of Treasure Island.

The details are in our written submission.

In conclusion, there is no pre-existing right to build on these lands. The Town of Huntsville staff report suggests that "The subject lands are included in the Waterfront designation of the Official Plan, which contemplates shoreline residential uses..."⁶ Though correct, you should also remember that the Official Plan similarly and explicitly contemplates "conservation" as a legitimate category in order to maintain the character of the lake.

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- d) rock faces, steep slopes, vistas and panoramas should be preserved and vegetation should be maintained on skylines, ridge lines or adjacent to the top of rock cliffs;
 - f) buildings and structures should be low profile and should not exceed the height of the tree canopy;

⁶ (8.6.1.a) and associated accessory uses"(page 3).

The Town has every right to restrict a landowner's desire to change the use of land where that is appropriate for the common good. The Official Plan provides that the dedication of such land for the purpose of conservation is to be encouraged, not reversed.

Indeed, Huntsville's reputation is based, in part, on its willingness to preserve its natural beauty.

The proponents are asking you to set a very dangerous precedent: The act of converting land set aside permanently for conservation purposes and turning it into housing lots would send an unfortunate message about the value the Town of Huntsville places on conservation. Furthermore, it is a very slippery slope and an action that cannot be reversed once taken.

That said, if the Town were to reverse the zoning decision of a previous Town of Huntsville council and approve this application for rezoning, we believe that it should act in a manner consistent with the application and attempt as much as possible to restrict any further subdivision of the land. This could perhaps be done by providing a special 'exceptional' zoning designation that explicitly stated that future subdivisions of the land would not be permitted.

Furthermore, if it were to approve this application, the Town must ensure from the outset that restrictions on the actual development of buildings on these lots be put in place as part of the rezoning such that all possible mitigating restrictions be included in the approval of a building plan and that these are made enforceable.

We hope that our position on this proposal is clear: We believe that the Town should not approve this application. The current zoning – conservation – was done purposefully by the Town of Huntsville as part of a public process. The purpose of zoning is to provide controls and predictability to land use in a local area. There is no pressing need or for you to approve this application.

Thank you for your time.