

LAKE WASEOSA WATERFRONT LANDING



1/10/2019

PLANNING OPINION REPORT

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TABLE OF CONTENTS

1.0	Introduction	1
2.0	Summary of Opinion	1
3.0	Background	1
4.0	Provincial Policy Statement 2014	3
5.0	Muskoka Official Plan	3
6.0	Town of Huntsville Official Plan	4
7.0	Town of Huntsville Zoning By-law 2008-66P	12
7.1	Existing Lot Status	12
7.2	Side Yard Setbacks	13
7.3	Lots Joined to be One for Planning Purposes	14
7.4	Land Use	14
7.5	Maximum Cumulative Width	14
7.6	Location of Parking	15
8.0	General Planning Concerns	15
8.1	Two Property Approach to Waterfront Landing	15
8.2	Trespass Issues	16
8.3	Unauthorized Usage	16
8.4	Overburdening of Existing Right-of-way	17
9.0	Conclusions	17

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1.0 INTRODUCTION

Plan Muskoka has been retained by Graham Leishman and Jeff King, owners of [REDACTED] [REDACTED] respectively, to review and provide an independent planning opinion on applications Z/66/2018/HTE and B/76/2018/HTE. This letter will review the applications for consistency, conformity, and compliance with the Provincial Policy Statement 2014, the Muskoka Official Plan, the Town of Huntsville Official Plan, and the Town of Huntsville Zoning By-law 2008-66P in order to formulate a planning opinion and determine whether the application is considered good planning.

2.0 SUMMARY OF OPINION

In reviewing the relevant Planning documents listed above, it is clear that there are conformance and practical issues with the proposal, specifically with the proposed waterfront landing. Based on the review found in this report, it is my professional opinion that the proposed development:

- i. is consistent with the Provincial Policy Statement 2014;
- ii. does not conform to the Muskoka Official Plan;
- iii. does not conform to the Town of Huntsville Official Plan; and,
- iv. does not comply to the Town of Huntsville Zoning By-law 2008-66P as applied for.

Furthermore, it is my professional opinion that the proposed development of a waterfront landing on the subject lands does not represent good planning.

3.0 BACKGROUND

It is my understanding that Ball, Gailits, and Rowland (the 'applicants') are seeking approval to rezone their two properties on Treasure Island to permit the construction of a single-detached dwelling on each property. It is my further understanding that the applicants are seeking approval to permit their property at 143 West Waseosa Lake Road as waterfront landing, which is to include a dock and boat launch, with special

exceptions proposed to the minimum side-yard setbacks from each side lot line of 3.0 metres. Furthermore, the applicant-owned lands of 207 West Waseosa Lake Road are proposed to be used as a parking lot in conjunction with the proposed waterfront landing. Finally, consent approvals have been applied for to establish easements over 143 and 207 West Waseosa Lake Road in favour of 100 and 200 Treasure Island, for the purposes of parking and the usage of the waterfront landing for mainland access.

Plan Muskoka has been retained by Graham Leishman and Jeff King to review the proposed applications and provide a professional planning opinion on the matter. Mr. Leishman's property is located [REDACTED] [REDACTED] from 143 West Waseosa Lake Road and is concerned with the proposal from a land use, privacy, and functional perspective. Figure 1 below identifies the locations of 143 and 207 West Waseosa Lake Road in relation to Mr. Leishman's property.

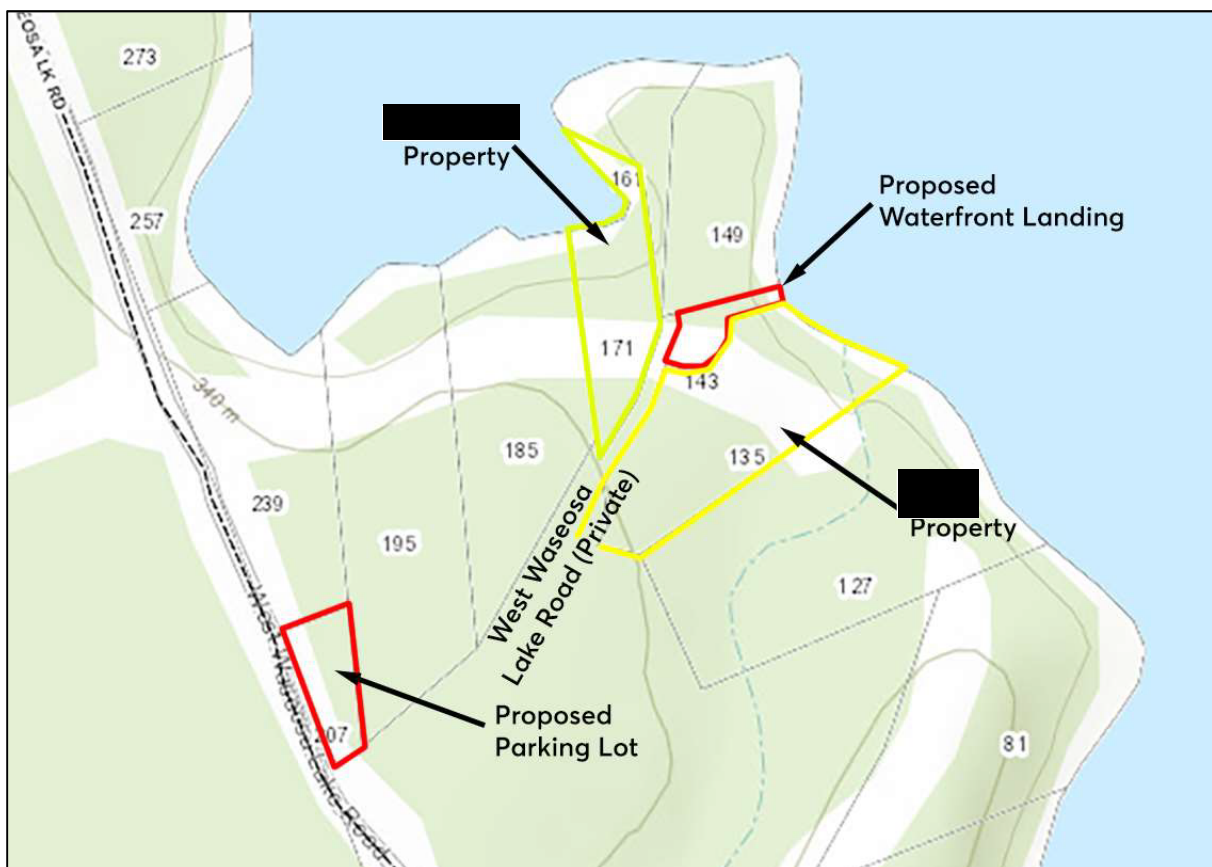


Figure 1 – Key Map Showing Proposed Waterfront Landing and Parking Lot Properties (Red) and Leishman Property [REDACTED]

The property located at 143 West Waseosa Lake Road (the 'Waterfront Landing') is measured to be 472 square metres (5,080 square feet) in lot area with 7.45 metres (24.5 feet) of shoreline frontage on Waseosa Lake, calculated using reference plan 35R-7737. The application package incorrectly indicated that this property was ± 372 square metres (4,000 square feet) in lot area with 7.6 metres (25 feet) of frontage. The property located at 207 West Waseosa Lake Road (the 'Parking Lot') is 1,588 square metres (0.39 acres) in lot area with no public road or shoreline frontage, based on the lot dimensions shown on reference plan 35R-7737. The lot has private road frontage on West Waseosa Lake Road on its south and west sides, being a corner lot in that regard. The smaller of the two lot frontages is measured as 26.0 metres (85.3 feet) of private road frontage on West Waseosa Lake Road. The application package incorrectly indicated that this property was $\pm 1,659$ square metres (0.41 acres) in lot area with 57 metres (187 feet) of frontage.

4.0 PROVINCIAL POLICY STATEMENT 2014

The Provincial Policy Statement (the 'PPS') considers the lands to be in the Rural Area of Ontario, and promotes sustainable tourism opportunities that utilize natural assets, such as Muskoka's lakes and rivers (Section 1.1.4.1). The properties are all considered to be Rural Lands, which permits resource-based recreational uses, including recreational dwellings (Section 1.1.5.2).

Natural features and areas are required to be protected for the long-term (Section 2.1.1) and the Scoped Environmental Impact Study (the scoped 'EIS') prepared by FRICORP appears to review all necessary natural features of all lands subject to these applications and provides mitigative measures to be undertaken to ensure the proper development of the site from an environmental perspective.

The proposal appears to be consistent with the Provincial Policy Statement 2014.

5.0 MUSKOKA OFFICIAL PLAN

The Treasure Island properties and the Waterfront Landing property are all clearly designated to be within the Waterfront Area in the Muskoka Official Plan. Like the PPS,

the Muskoka Official Plan permits resource-based recreational uses and limited year-round low-density residential land uses, along with waterfront landing areas (Section J4.3 a)). The Muskoka Official Plan directs the Area Municipal Official Plans to implement more detailed policies for waterfront landings, waterfront access points, and water access only development (Section J4.3 l)).

Section J4.1 of the Muskoka Official Plan defines the Waterfront Area as *"those lands extending inland 150 metres from any lake greater than 8 hectare in area ... taking into account the Area Municipal Official Plan and zoning/community planning permit by-law(s)."* The Parking Lot property is located within this distance of Lake Waseosa and the zoning of the lands in the Town of Huntsville Zoning By-law 2008-66P, being Shoreline Residential Type 5 (SR5) seems to indicate that the property has been considered to be in the Waterfront Area by the Town of Huntsville.

Despite this, Section J4.1 d) states that *"lands that do not physically or functionally relate to the Waterfront Area, although within 150 metres of a lake will be deemed not to be within the Waterfront Area."* The Parking Lot property, on its own, does not functionally relate to the waterfront of Lake Waseosa as it is oriented away from the shoreline, is not visible by the waterfront, and does not have direct access to the waterfront in any physical or legal way (legal right-of-way on title terminates prior to reaching the shoreline of Lake Waseosa over West Waseosa Lake Road). Based on this analysis, the Parking Lot property is not considered Waterfront, but instead is considered to be designated Rural by the Muskoka Official Plan.

While the Waterfront Area designation permits "waterfront landing areas", the Section J3.3 of the Rural Area policies does not permit that use. Therefore, the usage of 207 West Waseosa Lake Road as a parking lot in conjunction with a waterfront landing does not appear to conform to the uses permitted by the Rural Area land use designation.

As such, the proposal does not appear to conform to the Muskoka Official Plan.

6.0 TOWN OF HUNTSVILLE OFFICIAL PLAN

The Town of Huntsville Official Plan seeks to provides *"a balance among various sometimes competing factors, including economic, social and environmental factors"* which will *"provide a long term guide for this community that balances economic, social and environmental needs"* and *"promote a good quality of life for everyone in the community"* (Section 2.1.3). Furthermore, the Official Plan *"recognizes and supports Huntsville as a modern, vibrant, prosperous and competitive community that maintains a high level of protection for the quality of life and environment"* (Section 2.1.5) and seeks to *"provide for positive, sustainable forms of development"* (Section 2.1.8). Therefore, the direction of the Official Plan is that all development is to balance all the needs of a community, including the quality of life of the all neighbouring property owners.

Similar to the Muskoka Official Plan, Section 8.1.1 of the Official Plan defines the Waterfront designation as lands that *"generally extend inland 150 metres (492 feet) from any waterbody greater than 8 hectares (20 acres) in area"* including *"all lands that physically and functionally relate to the shoreline, even though they may extend more than 150 metres (492 feet) from the waterbody."* Furthermore, this section states that *"this designation may exclude lands that do not physically or functionally relate to the waterfront, even though they are located closer than 150 metres (492 feet) from the waterbody."* The Treasure Island properties and the Waterfront Landing are clearly designated Waterfront by the Official Plan. The Parking Lot property, while within 150 metres of the shoreline of Waseosa Lake, does not physically or functionally relate to the waterfront, as required by Section 8.1.1 of the Official Plan. Section 8.1.2 states that *"in determining which lands are to be included in the Waterfront, the following guidelines shall be used"* with the most relevant point being *"the physical relationship of the land to the water is the most important factor in identifying the land which is oriented to or away from the shoreline, and will be based on factors such as slope, drainage and visual connection."* Based on these criteria, it is unclear if the Parking Lot property is in fact designated Waterfront by the Official Plan. It likely has been considered to be so in the past, based on the fact that the property is zoned Shoreline Residential Type 5 (SR5) by the Town of Huntsville Zoning By-law 2008-66P, but the lands themselves do not physically or functionally relate to the waterfront, are oriented away from the lake, have no visual connection to the lake, and it is unclear if they slope towards or drain into the lake. Using these determining factors, it would

appear that the property located at 207 Waseosa Lake Road is more likely suited to be designated Rural by the Official Plan.

Section 8.6.1 of the Official Plan permits residential land uses within the Waterfront designation. The proposed uses are all in conjunction with residential land uses and thus appear to conform. Section 9.6.1 of the Official Plan permits *"resource-based development such as forestry, agriculture and mineral aggregate extraction; low density rural residential development; industrial, commercial and institutional uses normally associated with the rural area including home based commercial and industrial uses provided such uses are secondary to a permitted residential use; and, wildlife management, open space and accessory uses"* within the Rural land use designation. Uses related to waterfront landings are not listed as a permitted land use within this designation, thus the proposal to utilize the Parking Lot property in conjunction with a waterfront landing does not appear to conform to the Official Plan.

When considering development in the Waterfront designation, the Official Plan seeks to balance the recreational resource with the protection of its natural features (Section 8.2.3). The Official Plan requires that *"naturalized shorelines will be substantially maintained and such uses that do occur at the shoreline will be minimally obtrusive, and have limited impact on the natural and aesthetic environment"* (Section 8.2.10). This is further implemented by the waterfront design principles found in Section 8.3.2, which states principles for development to follow such as *"the natural landscape should prevail with built form blending into that landscape and shoreline"*, that *"natural shorelines will be retained or restored"*, and that *"building envelopes and the associated activity area should be defined and located in the most appropriate area on the property, with the remainder of the property generally remaining in its natural state."* Section 8.3.4 states that *"a shoreline activity area is the portion of a shoreline frontage of a lot located within the required setback from the shoreline where accessory shoreline structures are located and where there is access to the water for activities such as swimming or boat launching."* It further states that *"to maintain an appropriate balance between a natural shoreline and built form within the Waterfront, structures in shoreline activity areas should be focused within a defined area of the shoreline frontage and be limited in extent"* and that *"the extent of shoreline activity areas will be considered within the following targets"* being *"33% of the shoreline frontage for tourist commercial and institutional accommodation, waterfront contracting operations, and waterfront landings."*

The site plan provided by the applicants indicates that 1.6 metres of width, in the form of a dock, will be the only feature along the shoreline of the lands. This however is incorrect, as a boat launch has also been proposed for the lands by the applicants, which is indicated to be proposed on the north side of the dock as shown on Figure 6 of the FRICORP Scoped EIS. The boat launch is described to be a minimum of 2.6 metres in width by FRICORP. Therefore, the shoreline activity area for the proposed waterfront landing *at a minimum* would be a width of 4.2 metres, which equates to 56.3% of the frontage of the Waterfront Landing property. This does not generally or remotely meet the target range of 33% which is required by Section 8.3.4 of the Official Plan. Furthermore, the majority of the vegetation along the shoreline of the waterfront landing would need to be removed to accommodate the proposed dock, boat launch, and related features such as driveways and pathways, which does not appear to conform to the policies mentioned above that speak to the importance of maintaining a natural appearance for shoreline development.

Section 8.3.5 of the Official Plan states that *"variances to the standards noted in Section 8.3.4 above, may only be considered where site characteristics warrant such a variance, and shall generally be subject to the submission of a Site Evaluation Report or Environmental Impact Study satisfactory to the Town that outlines how the natural shoreline features and buffers are protected or enhanced on the site, should such a variance be justified."* The FRICORP Scoped EIS provided by the applicants does review the removal of the additional vegetation required to implement the dock and boat launch from an environmental perspective, stating that *"locating the ramp and docking structures to the north of the available shoreline where minimal vegetation removal will be required leaves the shoreline intact where mature eastern hemlocks are established and provide natural shoreline stabilization and shading."* From this perspective, I understand how FRICORP can support the development of the waterfront landing. However, aesthetic impacts are also considered when reviewing waterfront development, beyond environmental impacts. As seen in the photograph in Figure 2 below, limited tree cover as a whole exists on the subject lands, due to the majority of the lands being subject to either a right-of-way or a hydro easement. Despite this clearing, a shallow shoreline buffer remains intact on the lands, allowing it to remain natural in appearance when viewed from the lake. While only 10 trees are proposed to be removed, as stated in the FRICORP report, there is a limited buffer to begin with on the subject lands. The removal of the vegetation along the shoreline to accommodate the waterfront landing's dock, driveway, and boat launch constitutes the

major reduction in the shoreline buffer and likely will result in shoreline development that is not be minimally intrusive or limited in nature aesthetically, as required by the Official Plan. A site evaluation report that addresses these matters is likely required, as suggested by Section 8.3.5, which contains a more detailed development plan for the subject lands.

Section 8.3.10 of the Official Plan states that *"buildings and structures extending beyond the controlled or normal high water mark of a waterbody shall be designed and located in a manner which: a) do not create a hazard to navigation as defined in the Canada Shipping Act; b) do not have a significant detrimental effect on abutting property."* The setbacks proposed for the dock are a reduction from the required 6 metres to 3 metres. Upon review of the site plan provided and the reference plan that describes the lands, the proposed development does not comply to 3 metre side-yard setbacks. Due to converging side lot lines leading to the water's edge and their projections in the lake, the proposed dock of 1.6 metres by 8 metres would result in side-yard setbacks of 2.2 metres from the northern side lot line projection and 1.0 metres from the southern side lot line projection. This is an error in the application materials provided to the Town, and a considerable one given the resulting setbacks.



**Figure 2 – Photograph of Existing Shallow Shoreline Buffer of Waterfront Landing Property
Taken from West Waseosa Lake Road (Plan Muskoka)**

At those setbacks, a vessel moored to the dock will encroach in front each abutting land owner's property, causing a navigation hazard or a barrier and trespass situation that may have a detrimental effect on the abutting land owner. This particularly will be an issue during construction of the dwellings proposed on Treasure Island when barges or other larger construction vessels will be utilizing the dock and waterfront landing to load and transport materials and equipment to the island. Further information by the applicant with regards to these issues is required. However, given the potential resulting setbacks for any shoreline structure on the property, it does not appear that it will be possible to position a dock on the land that allows for the mooring of two vessels without causing trespass issues.

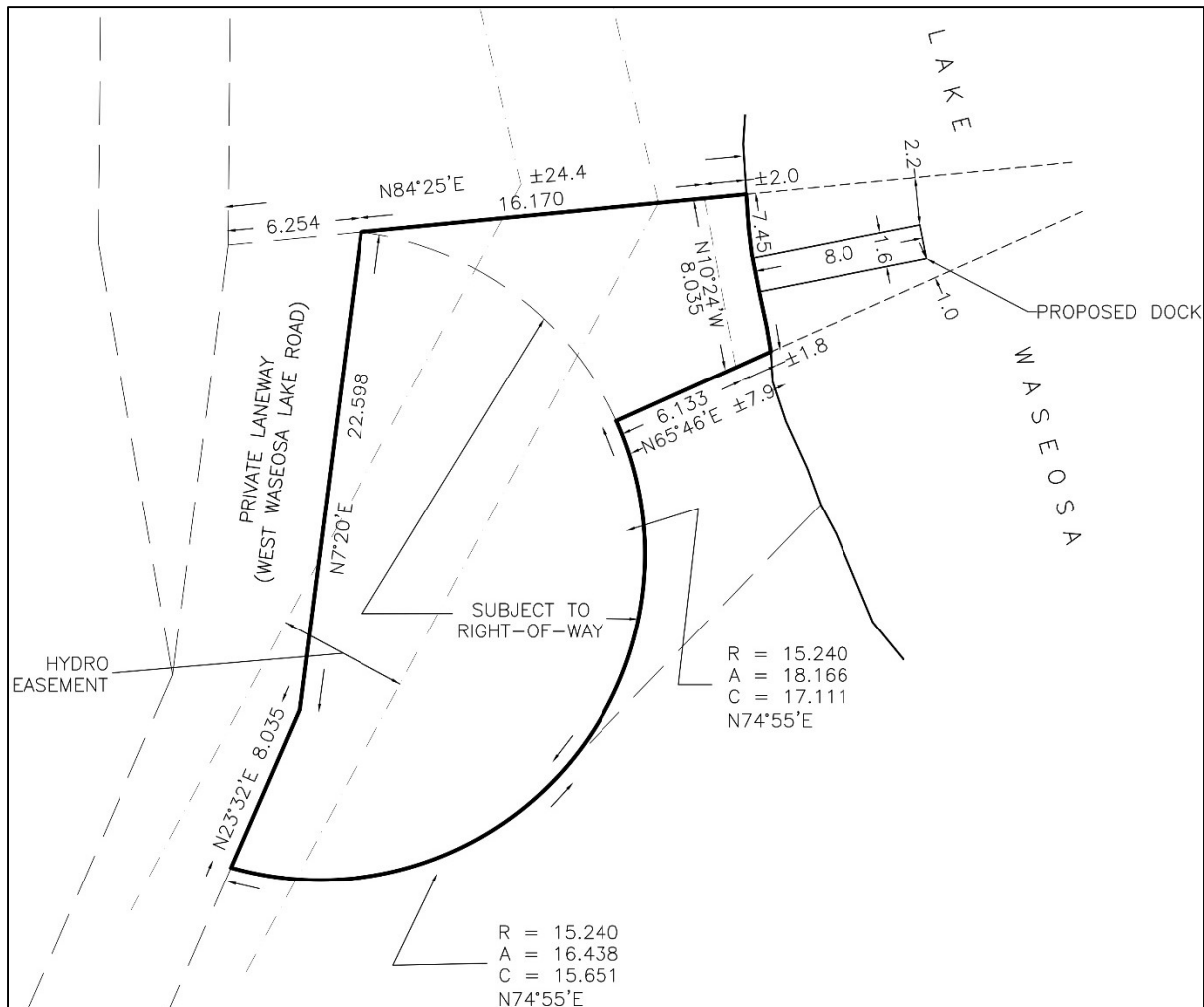


Figure 3 – Site Plan Sketch Showing Side-yard Setback Compliance Issues (Plan Muskoka)

Section 8.4 of the Official Plan deals with access requirements for waterfront properties, being the most directly relevant section of the Official Plan when reviewing waterfront landing proposals. As the Treasure Island properties are water access only lands, Section 8.4.3 requires that *"adequate docking and vehicle parking facilities are secured by the property owner on the mainland to the satisfaction of the Town."* Section 8.4.4 describes these facilities, stating *"mainland parking and docking facilities for water access properties may be provided through commercial marinas, individual access points serving one property, or waterfront landings serving more than one property."* As the proposed landing is to serve more than one property, it is considered a waterfront landing, rather than an individual access point.

Section 8.4.6 of the Official Plan indicates several criteria that are required to be met for the establishment of a waterfront landing. Those criteria are:

- a) *the property has adequate area and frontage to accommodate the facility;*
- b) *sufficient docking and parking facilities will be provided to serve the use;*
- c) *the property, particularly the shoreline, is suitable for the use;*
- d) *access to and from the facility by both water and land is suitable;*
- e) *the facility will not have a negative impact on environmental sensitive areas, habitat, or heritage areas;*
- f) *the facility is designed in a manner that is compatible with abutting properties;*
- g) *parking facilities will be setback at least 20 metres (66 feet) from the shoreline and a natural vegetative buffer is maintained within the setback area;*
- h) *storm water management and construction mitigation is addressed;*
- i) *approval will be subject to a zoning amendment and site plan agreement;*
- j) *they are secured through ownership or by a registered right-of-way or condominium approval;*
- k) *generous side yards shall be maintained to provide for screening and buffering of neighbouring residential properties.*

The Waterfront Landing property, at only 7.45 metres of frontage, does not appear to be adequate to support the development of a waterfront landing, particularly when factoring in the converging nature of the side lot lines. Any shoreline structure proposed on the lands will require significant variances to the side lot lines and as the last of the criteria listed above requires "*generous side yards*" to be maintained. Therefore, conformance in that regard seems impossible. Furthermore, the docking of vessels at the property does not appear suitable as trespass issues will occur, making the property not suitable from a shoreline access perspective. As the Waterfront Landing property does not have sufficient lot area and dimensions to support the parking of vehicles required for the Treasure Island properties, parking has been proposed on the Parking Lot property. However, this situation appears problematic for reasons of Official Plan conformance and its functionality and does not appear to be a suitable solution for mainland access for these properties. This issue will be discussed in greater detail later in this report. Furthermore, the small nature of the property raises issues as to if a vehicle with a boat trailer could in fact travel to the landing, turn around, and back the trailer down the ramp without trespassing on the neighbouring properties while doing so. More information on this issue is required. The shoreline buffer, limited in nature as it is, will need to be further reduced to accommodate the use, where the Official Plan seeks a vegetative buffer 20 metres deep on the subject lands. Finally, the lack of proper frontage to provide adequate setbacks and docking spaces that would not trespass in front of neighbouring properties causes compatibility issues between the proposed land use and the adjacent residential land uses. All these items considered, the proposed waterfront landing does not conform to Section 8.4.6 of the Official Plan, particularly subsections a), b), c), d), f), g) and k).

Section 8.4.7 of the Official Plan states that "*a Site Evaluation Report shall be required, which demonstrates to the satisfaction of the Town how the criteria noted in Section 8.4.6 are addressed.*" The information provided by the applicants is deficient to demonstrate conformity to Section 8.4.7. The site plan appears to contain misaligned boundary lines, the setbacks for the proposed structure are inaccurate, there is no vegetation shown and no indication of the resulting shoreline buffer post development, no driveways shown, no indication on how traffic will move in the site to launch boats, the launch ramp is not indicated, the easements are not shown, nor are the approximate locations of the adjacent structures. As such, it is my recommendation that a site evaluation

report be provided by the applicants to demonstrate conformity with Section 8.4.6, as presently conformity has not been established.

Section 8.4.8 states that *"in general, the size of the waterfront landing and the number of properties it serves will depend on the suitability of the site and its impact on the abutting properties."* This property does not appear suitable for any waterfront access given the materials provided, let alone more than one property. As stated above, further information is required.

In my professional opinion, the proposal does not conform to the Town of Huntsville Official Plan.

7.0 TOWN OF HUNTSVILLE ZONING BY-LAW 2008-66P

Schedule "A" of the Town of Huntsville Zoning By-law 2008-66P (the 'Zoning By-law') indicates that the Parking Lot property is zoned SR5 and the Waterfront Landing property is zoned SR5-H. The holding symbol requires a Phase II water Quality Impact assessment shall be completed to the satisfaction of the District of Muskoka, which is my understanding is no longer required due to the re-designation of Lake Waseosa's water quality classification.

It is my opinion that the proposed Zoning By-law Amendment is deficient beyond what has been applied for by the applicants, for the reasons stated below.

7.1 EXISTING LOT STATUS

While Table 5.3.4 of the Zoning By-law states that the lot frontage and lot area requirements of the SR5 zone are as existing at the date of the passing of the Zoning By-law, it further states that they are to be *"not less than the requirements of Section 3.3."* Section 3.3 of the Zoning By-law provides minimum lot frontage and area requirements for properties in order to be considered existing lots of record. Section 3.3.1 states that *"where a lot having lesser frontage or area than is required by this By-law"* and *"is legally capable of being conveyed or held under separate ownership from abutting lots, or was legally created through an approval pursuant to the Planning Act"* must have a

minimum frontage of 29 metres and a minimum lot area of 1,350 square metres for lots on private services in order for the lands to be deemed to conform to the lot frontage and lot area requirements of the Zoning By-law.

The Waterfront Landing property, with only 7.45 metres of shoreline frontage and 472 square metres of lot area does not comply to these requirements. The Parking Lot property, with 26.0 metres of private road frontage (permitted to be used by Section 3.19.3) and 1,588 square metres, meets the minimum lot area requirements of Section 3.3.1 but does not meet the minimum lot frontage requirement. Therefore, neither of these two properties are considered Existing Lots and in compliance with their lot frontage and/or lot area requirements of the Zoning By-law. The proposed Zoning By-law Amendment application fails to propose a recognition of lot area and frontage for the Waterfront Landing property and failed to include the Parking Lot property as part of the application, specifically to recognize the lot frontage of the lands.

Furthermore, the notion that a dwelling could be constructed on the Parking Lot property appears incorrect based on the requirements of Section 3.3 of the Zoning By-law. The lands have private road frontage on two sides, being their southern side and western sides. Using the definition of a corner lot found in Section 2.100 a) of the Zoning By-law, the shorter of two lines shall be deemed to be the front lot line, thus meaning the lot only has 26 metres of frontage, and thus is not considered an Existing Lot and is not eligible for a building permit as stated by the applicants' agent.

7.2 SIDE YARD SETBACKS

Section 3.1.18.6 of the Zoning By-law requires that shoreline structures be constructed at the same setback as required by the property's zone, being 6 metres for the SR5 zone. As stated earlier in this report, the side yard setbacks of 3 metres proposed do not allow for the construction of the proposed dock as indicated by the applicants, due to converging lot lines and their respective projections into Lake Waseosa. Using the survey data shown by Plan 35R-7737 for Parts 7 & 8, my calculations indicate that in order to construct a 1.6 metre by 8 metre dock on the subject lands, setbacks of 2.2 metres to the north and 1.0 metre to the south are required, both significant reductions to the normally permitted setbacks of 6 metres. As such, the application must be

amended to address these inaccuracies. Given the limited frontage of the property, confirmation of the required setbacks should likely be confirmed by an Ontario Land Surveyor.

To reiterate the points made in the previous section of this report, the proposed side-yard setbacks will create issues of trespass for vessels, both private and commercial vessels. The proposed setbacks do not meet the minimum requirements of the Zoning By-law, nor do they appear to meet the intent of side-yard setbacks for shoreline structures, which are to minimize compatibility issues and navigation hazards.

7.3 LOTS JOINED TO BE ONE FOR PLANNING PURPOSES

As the proposal seeks to use the Waterfront Landing property and Parking Lot property together as one waterfront landing, the Town should consider crafting the proposed By-law to tie the two parcels of land together as one for Planning purposes. However, this would not preclude the possibility that the Parking Lot property could be conveyed to a different land owner in the future, which would render the Waterfront Landing without its required parking facilities. This is a general concern of this proposal and will be discussed later in this report.

7.4 LAND USE

A Waterfront Landing is defined in the Zoning By-law but is not permitted as a land use in any zone in the document. Application was made by the applicants to permit this use on the Waterfront Landing property. Further to the Section 7.3 above, the waterfront landing use should be applied to the Parking Lot property as well as a as the lands are proposed to be used as the parking facilities to facilitate the implementation of the waterfront landing.

7.5 SHORELINE ACTIVITY AREA

Section 3.1.18.5 of the Zoning By-law states that *"the maximum cumulative width of all shoreline structures and amenity areas shall not exceed 25% of the lot frontage to a maximum of 15 metres (49.2 feet) of the shoreline"* and that *"the maximum cumulative width of all*

shoreline structures and amenity areas in Tourist Commercial and Shoreline Commercial One and Two Zones shall not exceed 33% of the lot frontage." While the By-law states a maximum cumulative width of the shoreline structures and amenity area should not exceed 25% of the shoreline for these lands (as they are not zoned Tourist Commercial, Shoreline Commercial One, and Shoreline Commercial Two), it should be noted that the Official Plan permits up to 33% width for Waterfront Landings. The proposed width of all structures and amenity areas for the Waterfront Landing property is 4.2 metres, or 56.3% of the frontage. This exceeds both the permitted cumulative width of Section 3.1.18.5 of the Zoning By-law and the permitted maximum set out by Section 8.3.4 of the Official Plan. The application should be amended to permit a maximum cumulative width as proposed.

7.6 LOCATION OF PARKING

Section 4.1.1 of the Zoning By-law permits parking spaces to be located on a lot located within 150 metres of the site of the use. The Parking Lot property, based in the Town of Huntsville Interactive Map, is located approximately 185 metres from the Waterfront Landing property, thus it does not comply to the Zoning By-law in that regard. Therefore, the Zoning By-law Amendment application should be amended to permit parking for the waterfront landing to be located 185 metres (or more) from the subject lands.

8.0 GENERAL PLANNING CONCERNS

Beyond the conformity and compliance concerns listed in Sections 5, 6, and 7 of this report, there are some general concerns that should be discussed for these applications that lend themselves towards making a determination to as if the proposal is good planning.

8.1 TWO PROPERTY APPROACH TO WATERFRONT LANDING

The idea of utilizing two properties for the proposed waterfront landing land use is not contemplated by the Official Plan and may cause issues and conflict in the future if approved.

Firstly, the lands cannot be combined legally and therefore there cannot be any assurances that the two properties will remain in the same ownership and used for the purposes that have been applied for. Should the Parking Lot portion of the property be conveyed to a different owner in future transfers of land, the properties on Treasure Island would no longer have proper parking facilities available to them. The result would be that the owners of the Treasure Island lots would be forced to park all vehicles on the Waterfront Landing property instead. This would cause issues as 4 or more vehicles, including trucks and trailers, would not be easily accommodated on site while still allowing for traffic movements and buffers on the subject lands.

Secondly, the idea of the parking lot for the waterfront landing being approximately 185 metres away in West Waseosa Lake Road invites the users of the landing to park on the Waterfront Landing portion of the property to avoid the walk, particularly in seasons of high insect populations and during times of inclement weather. This issue is magnified when considering that this waterfront landing must also be used for construction purposes. There is good reason to suspect that tradesmen will choose to ignore the requirement to park elsewhere up the road when working on the island properties. While this is not a guarantee, there is a strong possibility for it to occur and this two-property approach invites this behavior.

8.2 TRESPASS ISSUES

Further to the trespass issues that were raised earlier in this report with regard to boat mooring, there is also the concern that vehicles accessing the waterfront landing, and particularly when launching a boat, will be forced to utilize abutting property in order to properly turn their vehicle and trailer around and back into the ramp area. In visiting the property, it appears apparent that the driveway of 171 West Waseosa Lake Road will likely be utilized as a turning laneway for launching purposes. This again is magnified when considering construction vehicles utilizing the waterfront landing. Some vehicles, such as large trucks carrying and delivering roof trusses, lumber, concrete, and structural steel would have great difficulty maneuvering their vehicles strictly within the confines of the subject lands. Utilizing the private right of way and/or private property invites safety concerns and potential property damage. A Site

Evaluation Report that demonstrates how the turning of trucks and other vehicles can be accomplished safely on site is required.

8.3 UNAUTHORIZED USAGE

It is my understanding through the knowledge of my clients that there is no public boat launch on Lake Waseosa for existing property owners to use to launch their boats into the waterbody. Therefore, the creation of a waterfront landing at the end of a private road, on a property that is likely too compact to allow for both a gated entry *and* traffic movement within the site invites unauthorized usage of the landing by other residents of the lake. Given the circumstances of this application and deficiencies of the proposal, any potential for unauthorized usage of the waterfront landing is very concerning and magnifies other issues with the proposal.

8.4 OVERBURDENING OF EXISTING RIGHT-OF-WAY

Any instance of a change of usage of a property that is a dominant tenement of a right-of-way invites the possibility that the proposed change of land use may overburden the right-of-way beyond the original intentions that it was established for. There is the possibility for this to be the case, given the potential for the property to be used for construction purposes, yet this determination must be made legally through an opinion by a lawyer and enforced by civil courts.

9.0 CONCLUSIONS

The proposal made by the applicants, particularly with the proposed waterfront landing, appears deficient in terms of the approach taken by the applicants, contains inaccuracies in the information provided, and have conformity issues with the Town and District Official Plans. The Planning Justification provided for the proposal chooses to ignore several key sections of the Official Plan that deal directly with the proposed development of a waterfront landing. 143 West Waseosa Lake Road appears to not have the frontage and area required for to support shoreline structures and traffic movements. Finally, the general approach proposed for the implementation of a waterfront landing over two separate properties of significant distance from each other

appears problematic and may cause future safety and trespass issues. Without a proper waterfront landing proposal, unfortunately the lots on Treasure Island should not be developed.

Upon review of all relevant Planning documents, it is my professional opinion that the proposed development:

- v. is consistent with the Provincial Policy Statement 2014;
- vi. does not conform to the Muskoka Official Plan;
- vii. does not conform to the Town of Huntsville Official Plan; and,
- viii. does not comply to the Town of Huntsville Zoning By-law 2008-66P.

Furthermore, it is my professional opinion that the proposed development of a waterfront landing on the subject lands does not represent good planning.

Sincerely,

PLAN MUSKOKA



Savas Varadas, MCIP, RPP
Principal

CURRICULUM VITAE OF SAVAS VARADAS

ACADEMIC BACKGROUND

SEPTEMBER 1999 – MAY 2003

UNIVERSITY OF WATERLOO

Bachelor of Environmental Studies

Honours Planning – Geography Minor

PROFESSIONAL EXPERIENCE

SEPTEMBER 2015 – PRESENT
(~3.5 YEARS)

PLAN MUSKOKA

Planning and Development Consulting

Huntsville, Ontario

Principal

Planning Consulting for a wide range of Planning Act applications and Land Development related projects, such as Official Plan and Zoning By-law Amendments, Plans of Subdivision and Condominium, Minor Variances, Site Plan Approvals, Consents, and Development Permits. Also, consulting services have been provided for Project Management, FIT Application Zoning Certificates, Professional Evidence at the LPAT (previously OMB), and Zoning Analysis Reporting

APRIL 2005 – AUGUST 2016
(11 YEARS, 4 MONTHS)

WAYNE SIMPSON AND ASSOCIATES

Planning and Development Consultants

Huntsville, Ontario

Planner – Senior Planner

Planning Consulting for a wide range of Planning Act applications and Land Development related projects, such as Official Plan and Zoning By-law Amendments, Plans of Subdivision and Condominium, Minor Variances, Consents, Development Permits, Project Management, FIT Application Zoning Certificates, Professional Evidence at the Ontario Municipal Board, and Zoning Analysis Reporting

PROFESSIONAL MEMBERSHIP

CANADIAN INSTITUTE OF
PLANNERS

Full Member Since October 13, 2006

ONTARIO PROFESSIONAL
PLANNERS INSTITUTE

Full Member Since October 20, 2006