

July 3 2016

**Ontario Municipal Board
655 Bay Street Suite 1500**

**Toronto On
M5G 1E5**

Att: Kimberley Livingstone

**Re OMB Appeal to North Kawartha Zoning Bylaw Your
case and file # PL 130372**

This appeal was originally filed in 2013 and all items were resolved through cost effective mediation with the previous Council except for in-water development which was set aside until the Court decision on the subject- Judge Perell issued a decision in June 2016.

Background is contained in my letter to you of Aug 17 2016.

Since that letter, the Township did invite me to participate in a mediation session in early Sept 2015. At that productive meeting, which included the Mayor, Solicitor, Planner and staff, I made proposals as to how to resolve the outstanding in water development issues and general agreement was reached to form the basis of minutes of settlement. The Planner was instructed to put into a format what was agreed to at that meeting by the following week. Subsequent to the meeting, he favoured a detailed study and public consultation process. No further attempts were made by the township to reach a settlement with myself in order to satisfy my concerns and comply with the Court decision.

Council instructed their planner on December 1st to develop a draft amendment to zoning bylaw regarding lake bed zoning and in-water structures. In the Planner's Background and Options report dated December 21 2015, he appeared to support existing in-effect dock regulations by Parks Canada which applied to the largest lake in North Kawartha Township being Stoney Lake which permitted 453 sq. ft. docks and provided illustration based on the 453 sq. ft. restriction.

Following an open house and public hearing which did not in fact indicate what Council was considering for dock sizes, the planner prepared a report dated Feb 9 2016 in which he recommended maximum surface area of docks be 500 sq ft.

Subsequently Council directed the planner to make changes to his proposed dock regulations and in fact instructed the planner to permit max 931 sq. ft. docks. I truly believe that council did not intend to instruct the planner as they did.

Subsequently at the next Council meeting, Council instructed the planner to include in the proposed zoning amendment a maximum 532 sq. ft. dock plus a 48 sq. ft. ramp resulting in total of 600 sq. ft. and to allow 2 docks per lot for water access properties and lots exceeding 200 foot frontage ..previously 300 foot frontage was required to be able to have 2 docks.

This 600 sq. ft. proposal was debated at public meetings and the township apparently received about a 100 submissions on the proposed regulations. Certain dock builders did not want any regulations or alternatively maximum 1000 sq. ft. docks!

At the time when the 600 sq ft docks were being considered, I was optimistic that what council eventually accepted and passed would be acceptable to me. I have made several submissions which had valid concerns which were not recognised by either the planner or Council. In order to resolve my outstanding appeal, I was prepared to be somewhat flexible in my wishes in order to be in position to withdraw my appeal on the in-water development regulations.

Shockingly, to me and others following this file, the planner prior to the June 21st Council meeting produced another report to Council dated June 15 2016 and provided various regulatory dock options to Council for further consideration. One proposal had never been advance to the public at the statutory public meeting. The new planner's option was based on deviating from the previous approach to limit dock sizes by area but rather by 30 % lot front coverage. This result is his recommendation to Council to allow 2178 sq. ft. docks on 100 foot lots and even larger of larger lots. When questioned by Council on this recommended size he stated " no one would ever build a dock that big"

Council discussed the planners options and recommendations at their June 21st Public Meeting and disallowed any persons in attendance including myself to speak about this totally new dock regulation proposal. It is noteworthy that despite a township procedural bylaw, the current Mayor has in the past taken the friendly position to allow those in attendance at public Council meetings to be recognized and make comments on agenda items. This was the first time, that I am aware of, that public participation has been refused by the Mayor who stated "*there has been time for public input and now time for Council to make a decision*". The totally new proposal by the planner

being considered by Council had never been made available for public input.

Eventually Council did not accept any of the options put forward by their planner and gave him direction on several aspects of his proposals and to amend the proposed bylaw immediately for Council to pass later in the meeting using a hybrid approach of restricting docks by both a max area of 805 sq. ft. including the ramp and max 25% of lot frontage. The 805 sq. ft. is about 37 % of the size recommended by their planner in his report to Council dated June 15 but 34% larger than presented at the last public hearing on May 28thand about 60% larger than the planners recommendation of 500 sq ft to Council dated Feb 9 2016.

Jack Lake, where I reside, is regulated by both North Kawartha and Havelock Belmont Methuen (HBM) Townships. HBM are in the process of developing dock regulations and have recently proposed maximum size docks of 160 sq ft including ramps!

At the May 28th public meeting, I provided to Council a submission on various issues which I hoped would be incorporated in final version which would have allowed for my existing appeal to be withdrawn and not require a further appeal to the new bylaw being considered.

Without going into details at this point, but to illustrate the lack of recognition of my input, the bylaw prepared by their planner and passed by Council, for some unknown reason, deleted the exemption of small on land pump houses within the water setback. This was a provision in the current in effect zoning bylaw that I was able to accomplish through a previous OMB order and cannot understand or accept why this provision would be extinguished in a new dock bylaw!

Yes frustrating and disappointed that the bylaw passed by Council does not satisfy my concerns which would have resulted in being able to advise the OMB that the outstanding OMB appeal could be withdrawn. It was my hope that the new North Kawartha Bylaw would be the basis of satisfying my concerns and be able to both support the bylaw and serve to resolve the final item of case #130372.

At this point I am requesting that the current hearing scheduled for July 26 2016 be adjourned and consolidated with appeals resulting from North Kawartha Council passing bylaw 2016-061

In rescheduling a consolidated hearing, I need to bring to your attention that I am not available from Nov 1 to till about March 25 2017 as I will be out of the country.

I will continue to make efforts to find a mediated settlement to avoid a formal hearing.

I did approach the Mayor of North Kawartha earlier today to initiate discussion to resolve my outstanding appeal and concerns with the new bylaw, but the Mayor advised me that since the bylaw is in the 20 day appeal period, he cannot discuss the bylaw with me. In the past once an appeal is filed, it is considered before a tribunal and again they cannot discuss with me.

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