

Feb 29, 2016

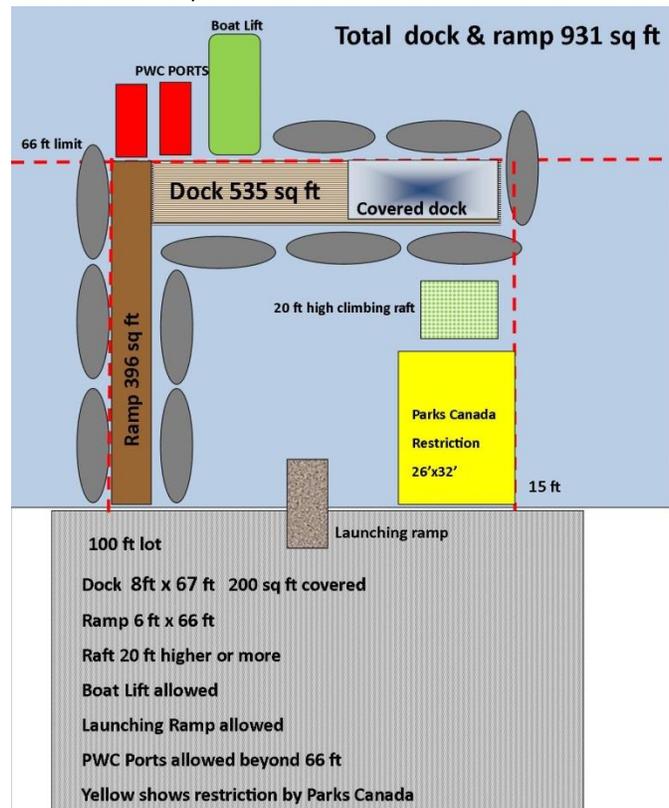
Township of North Kawartha  
Att: Council and Clerk Connie Parent

**Re: Zoning Amendment Proposal by Consultant For Regulating In-water Development**

I understand from the posted agenda for the Council meeting of Mar 1, that another proposal from your planning Consultant is included for consideration by Council. At the last Council meeting of Feb 16, Council, according to the minutes and feedback I received from the meeting, for the first time provided their direction to the Planner on what they wished to be included in the proposed zone amendment. Council did not accept the Planner's recommendation for limiting dock sizes to 500 square feet and as I understand were influenced by Councillor Miszuk's position to increase the area of docks to 50 square meters (532 sq ft) plus an unrestricted area for the ramp.

I also understand that Council was further influenced by one local dock builder who alleged, without any supportive documentation, that most of the docks for which he has orders for the upcoming season would exceed the Planner's proposed amendment related to docks. By the way, that is in direct contrast with information I was able to obtain from other local larger dock builders who did not feel the 500 sq ft max area was unreasonable. Based on my discussion with contacts I enjoy in the dock building industry, I and others are very suspicious about the validity of the verbal claims made directly to Council by the dock contractor at the last Council meeting.

According to my interpretation of what was proposed by Councillor Miszuk (only Councillor who does not have a dock) and subsequently supported by consensus of Council, the Council directed Planner to make changes to his recommendation which as I interpret the Council direction would have increased the dock area from 500 square feet to approximately 931 sq ft. The provided drawing is my interpretation of what was proposed by Councillor Miszuk and subsequently supported by Council. By meeting minute's motion, Council directed Planner to modify his amendment for Council. I THINK this illustration is an accurate interpretation of what Council proposed and I included the yellow section to put it into perspective with what is allowed by Parks Canada for the largest lake in North Kawartha. If anyone finds a part of this drawing to be a misinterpretation of what was proposed



As allowed per direction by Council at Council Meeting Feb 16

by Council, I would welcome feedback so I can update if required.

I find it noteworthy that after Council retained and paid a professional planner to go through an extensive consultation process including-- production of extensive background reports--- including analysis of other cottage country practices--- looking closely at the only dock currently being regulated in North Kawartha being Parks Canada regulations for Stoney Lake-- receiving a large number of written and verbal submissions and-- I assume taking into account in-effect official plan policies---he made a professional recommendation for maximum dock area of 500 sq. ft. which Council ignored and directed him to make changes. This max size including ramp exceeds the Parks Canada regulations for the larger federal lake and based on my discussions with many cottagers and a few dock builders, 500 sq. ft. is considered reasonable.

I expressed my concerns with a few cottagers about what Council directed their Planner to change from what he recommended. Apparently my concerns for the Council's proposals were provided to Council members and discussed directly with your Planner. Now the Planner appears to have not recognized the merits of my concerns and not followed the directions of Council from the Feb 18<sup>th</sup> and made a further amendment proposal to Council.

So at this point, neither I nor any other person knows what is intended to be proposed by Council. It is my view that once Council does table their agreed upon proposal, then Notice of the proposal should be made available for public input to satisfy the statutory Notice requirements of the Planning Act. At that time, I would be prepared to contribute a detailed analyses of the proposal for consideration by Council within the time limits of the issued Notice.

Yes, there was a proposed amendment issued with a Notice earlier for a public hearing on January 26<sup>th</sup>. That notice did not provide the most significant information, being the proposed size of docks and distanced allowed out into lakes. No dock size or permitted distance out into a lake was provided in the draft amendment. That preliminary draft amendment dated Jan 8<sup>th</sup> stated that these regulations, which are most fundamental, "*would be determined based on public consultation*"! A ratepayer in the area told me "*he did not attend the meeting as nothing was proposed*".

I have not fully studied the latest consultant proposal based on Council directions from Feb 16<sup>th</sup> meeting. It does not reflect the direction given by Council and I sense it is flawed in several areas. I look forward to being able to respond once Council issues a Notice of what is proposed as required by section 34 of the Planning Act.

Council may take the risky position that no statutory Notice is required for what may eventually be proposed by Council. In order to preserve my appellant rights for this issue currently before the OMB, I hereby identify concerns and objections to the posted version of amendment available on the Township web site as of last Friday. Once Council does announce through public Notice what amendments are supported by Council, I will undertake a more detailed analysis which could modify or reduce or expand the following items:

1.2 Scope of Bylaw (b) should clarify requirement for dock permits (e) bylaw does not apply to Park Lakes and possibly Stoney Lake and (l) do not think Planning Act authority exist to zone park lakes

2.12 a) Boathouse Dryland – initial reaction no need for this definition

2.12 b) Boathouse Wet – initial reaction- no need for this definition

2.13 Boatport - initial reaction no need for this definition

2.177 Structure –consider- this definition include dock and ramp and inflatables

2.60 Existing ---need explanation why this being changed-- reference my submission to NK Council Nov 17 2012 Item 17-13

2.17 a) Swim Raft

3.1 Accessory Uses Buildings and Structures Permitted Uses (v) dryland and wet boathouses

(l) Docks 1) setback

2) projection –suggest provision to take into account depth of water at end of dock as per Parks Canada and other authorities

3) configuration relative to OP policies

4) additional docks

5) canopy

6) Format-scope of bylaw

7) Format-scope of bylaw

(n) Swim raft -format –

3.31 Water Setbacks a) Permitted exceptions

c) Stairs and Landings format - need illustration to comprehend

d) Dock Ramps format –need illustration to comprehend

6.1 Use Permitted b) accessory uses: include as allowed in general provisions

7.1 Use Permitted b) accessory uses: include as allowed in general provisions

## Section 18A Lake Zone (L)

For clarity should differentiate Zone designations for between 3 types of lakes- Lakes regulated by Twp  
Lakes regulated by Ontario Parks Lakes regulated by Parks Canada ie L-1 L-P L-F

Also all lakes are not the same in size so small lake and possibly Eels Creek should have different regulation than larger lakes.

Also narrow water bodies should get special consideration. This was raised by your Planner as a consideration or issue early in the process but not addressed.

18A.1 Uses Permitted –this section appears to conflict with definitions and general provisions

(a) Permitted uses: should include all permitted uses

18A.2 – does this include Eels Creek and are dock allowed to extend 66 ft

18A.3 Kawartha Highlands Signature Site Provincial Park- at this point not satisfied that municipal authority exist to `Zone` lakes in Provincial Park and not satisfied such lakes actually are in the Municipality.

18A.5 Docks and Marine Facilities accessory to Commercial Uses.. should clarify that this does not apply to Park Lakes or Stoney Lake.

Connie, please keep me informed, if and when a new amendment version SUPPORTED BY COUNCIL is made available for public comment.

Councillors, I am available to discuss any of my views on this issue in an effort to move the process along in a positive way. I am also very concerned about the permitting process and have been attempting to clarify with other with Provincial agencies to eliminate any unnecessary frustrations being imposed upon cottagers and dock builders. There is no real need to require three permits and possibly four if conservation authority is involved to install a simple dock. Clear, reasonable, practical and flexible zoning regulations with harmonized simplified permitting systems are essential to get buy-in of the cottage community of this issue.

**Ambrose Moran**  
Acting independently

